

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3210

To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1993

Mr. KILDEE (for himself and Mr. FORD of Michigan) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Goals 2000: Educate  
3 America Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to provide a framework  
6 for meeting the National Education Goals established by  
7 title I of this Act by—

8 (1) promoting coherent, nationwide, systemic  
9 education reform;

10 (2) improving the quality of learning and teach-  
11 ing in the classroom and in the workplace;

12 (3) defining appropriate and coherent Federal,  
13 State, and local roles and responsibilities for edu-  
14 cation reform and lifelong learning;

15 (4) establishing valid, reliable, and fair mecha-  
16 nisms for—

17 (A) building a broad national consensus on  
18 American education reform;

19 (B) assisting in the development and cer-  
20 tification of high-quality, internationally com-  
21 petitive content and student performance stand-  
22 ards;

23 (C) assisting in the development and cer-  
24 tification of opportunity-to-learn standards; and

25 (D) assisting in the development and cer-  
26 tification of high-quality assessment measures

1           that reflect the internationally competitive con-  
2           tent and student performance standards;

3           (5) supporting new initiatives at the Federal,  
4           State, local, and school levels to provide equal edu-  
5           cational opportunity for all students to meet high  
6           standards and to succeed in the world of employ-  
7           ment and civic participation;

8           (6) providing a framework for the reauthoriza-  
9           tion of all Federal education programs by—

10                (A) creating a vision of excellence and eq-  
11                uity that will guide all Federal education and  
12                related programs;

13                (B) providing for the establishment of  
14                high-quality, internationally competitive content  
15                and student performance standards that all stu-  
16                dents will be expected to achieve;

17                (C) providing for the establishment of high  
18                quality, internationally competitive opportunity-  
19                to-learn standards that all States, local edu-  
20                cational agencies, and schools should achieve;

21                (D) encouraging and enabling all State  
22                educational agencies and local educational agen-  
23                cies to develop comprehensive improvement  
24                plans that will provide a coherent framework  
25                for the implementation of reauthorized Federal

1 education and related programs in an inte-  
2 grated fashion that effectively educates all chil-  
3 dren enabling them to participate fully as work-  
4 ers, parents, and citizens; and

5 (E) providing resources to help individual  
6 schools, including those serving students with  
7 high needs, develop and implement comprehen-  
8 sive improvement plans;

9 (7) stimulating the development and adoption  
10 of a voluntary national system of skill standards and  
11 certification to serve as a cornerstone of the national  
12 strategy to enhance workforce skills; and

13 (8) assisting every elementary and secondary  
14 school that receives funds under this Act to actively  
15 involve parents and families in supporting the aca-  
16 demic work of their children at home and in provid-  
17 ing parents with skills to advocate for their children  
18 at school.

## 19 **TITLE I—NATIONAL EDUCATION** 20 **GOALS**

### 21 **SEC. 101. PURPOSE.**

22 The purpose of this title is to establish national edu-  
23 cation goals.

1 **SEC. 102. NATIONAL EDUCATION GOALS.**

2 The Congress declares that the National Education  
3 Goals are the following:

4 (1) SCHOOL READINESS.—(A) By the year  
5 2000, all children in America will start school ready  
6 to learn.

7 (B) The objectives for this goal are that—

8 (i) all children will have access to high-  
9 quality and developmentally appropriate pre-  
10 school programs that help prepare children for  
11 school;

12 (ii) every parent in America will be a  
13 child's first teacher and devote time each day to  
14 helping his or her preschool child learn, and  
15 parents will have access to the training and  
16 support they need; and

17 (iii) all children will receive the nutrition  
18 and health care needed to arrive at school with  
19 healthy minds and bodies, and to maintain the  
20 mental alertness necessary to be prepared to  
21 learn, and the number of low-birthweight babies  
22 will be significantly reduced through enhanced  
23 prenatal health systems.

24 (2) SCHOOL COMPLETION.—(A) By the year  
25 2000, the high school graduation rate will increase  
26 to at least 90 percent.

1 (B) The objectives for this goal are that—

2 (i) the Nation must dramatically reduce its  
3 dropout rate, and 75 percent of those students  
4 who do drop out will successfully complete a  
5 high school degree or its equivalent; and

6 (ii) the gap in high school graduation rates  
7 between American students from minority back-  
8 grounds and their non-minority counterparts  
9 will be eliminated.

10 (3) STUDENT ACHIEVEMENT AND CITIZEN-  
11 SHIP.—(A) By the year 2000, all students will leave  
12 grades 4, 8, and 12 having demonstrated com-  
13 petency over challenging subject matter including  
14 English, mathematics, science, foreign languages,  
15 civics and government, arts, history, and geography,  
16 and every school in America will ensure that all stu-  
17 dents learn to use their minds well, so they may be  
18 prepared for responsible citizenship, further learn-  
19 ing, and productive employment in our modern econ-  
20 omy.

21 (B) The objectives for this goal are that—

22 (i) the academic performance of all stu-  
23 dents at the elementary and secondary level will  
24 increase significantly in every quartile, and the  
25 distribution of minority students in each level

1 will more closely reflect the student population  
2 as a whole;

3 (ii) the percentage of all students who  
4 demonstrate the ability to reason, solve prob-  
5 lems, apply knowledge, and write and commu-  
6 nicate effectively will increase substantially;

7 (iii) all students will be involved in activi-  
8 ties that promote and demonstrate good citizen-  
9 ship, community service, and personal respon-  
10 sibility;

11 (iv) the percentage of all students who are  
12 competent in more than one language will sub-  
13 stantially increase; and

14 (v) all students will be knowledgeable  
15 about the diverse cultural heritage of this Na-  
16 tion and about the world community.

17 (4) TEACHER EDUCATION AND PROFESSIONAL  
18 DEVELOPMENT.—(A) By the year 2000, the Na-  
19 tion's teaching force will have access to programs for  
20 the continued improvement of their professional  
21 skills and the opportunity to acquire the knowledge  
22 and skills needed to instruct and prepare all Amer-  
23 ican students for the next century.

24 (B) The objectives of this goal are that—

1           (i) every State will establish opportunity-  
2           to-learn standards and create an integrated  
3           strategy to attract, recruit, prepare, retrain,  
4           and support the continued professional develop-  
5           ment of teachers, administrators, and other  
6           educators, so that there is a highly talented  
7           workforce of professional educators to teach  
8           challenging standards;

9           (ii) subgrants for preservice teacher edu-  
10          cation and professional development activity will  
11          be made to local educational agencies, institu-  
12          tions of higher education, private nonprofit or-  
13          ganizations, or consortia of such organizations,  
14          to support continuing, sustained, professional  
15          development activities for all educators; and

16          (iii) partnerships shall be established,  
17          whenever possible, between local educational  
18          agencies, institutions of higher education, local  
19          labor, business, and professional associations to  
20          provide and support programs for the profes-  
21          sional development of educators, particularly in  
22          the area of emerging new technologies in edu-  
23          cation.



1           (5) MATHEMATICS AND SCIENCE.—(A) By the  
2       year 2000, United States students will be first in the  
3       world in mathematics and science achievement.

4           (B) The objectives for this goal are that—

5               (i) math and science education will be  
6       strengthened throughout the system, especially  
7       in the early grades;

8               (ii) the number of teachers with a sub-  
9       stantive background in mathematics and science  
10      will increase by 50 percent; and

11              (iii) the number of United States under-  
12      graduate and graduate students, especially  
13      women and minorities, who complete degrees in  
14      mathematics, science, and engineering will in-  
15      crease significantly.

16          (6) ADULT LITERACY AND LIFELONG LEARN-  
17      ING.—(A) By the year 2000, every adult American  
18      will be literate and will possess the knowledge and  
19      skills necessary to compete in a global economy and  
20      exercise the rights and responsibilities of citizenship.

21          (B) The objectives for this goal are that—

22               (i) every major American business will be  
23      involved in strengthening the connection be-  
24      tween education and work;

1           (ii) all workers will have the opportunity to  
2           acquire the knowledge and skills, from basic to  
3           highly technical, needed to adapt to emerging  
4           new technologies, work methods, and markets  
5           through public and private educational, voca-  
6           tional, technical, workplace, or other programs;

7           (iii) the number of quality programs, in-  
8           cluding those at libraries, that are designed to  
9           serve more effectively the needs of the growing  
10          number of part-time and midcareer students  
11          will increase substantially;

12          (iv) the proportion of those qualified stu-  
13          dents, especially minorities, who enter college,  
14          who complete at least two years, and who com-  
15          plete their degree programs will increase sub-  
16          stantially;

17          (v) the proportion of college graduates who  
18          demonstrate an advanced ability to think criti-  
19          cally, communicate effectively, and solve prob-  
20          lems will increase substantially; and

21          (vi) schools, in implementing comprehen-  
22          sive parent involvement programs, will offer  
23          more adult literacy, parent training and life-  
24          long learning opportunities to improve the ties

1           between home and school, and enhance parents'  
2           work and home lives.

3           (7)   SAFE,   DISCIPLINED,   AND   DRUG-FREE  
4   SCHOOLS.—(A) By the year 2000, every school in  
5   America will be free of drugs and violence and will  
6   offer a disciplined environment conducive to learn-  
7   ing.

8           (B) The objectives for this goal are that—

9                   (i) every school will implement a firm and  
10                  fair policy on use, possession, and distribution  
11                  of drugs and alcohol;

12                  (ii) parents, businesses, and community or-  
13                  ganizations will work together to ensure the  
14                  rights of students to study in a safe and secure  
15                  environment that is free of drugs and crime;

16                  (iii) every school district will develop a  
17                  comprehensive K–12 drug and alcohol preven-  
18                  tion education program. Drug and alcohol cur-  
19                  ricula should be taught as an integral part of  
20                  health education. In addition, community-based  
21                  teams should be organized to provide all stu-  
22                  dents and teachers with needed support; and

23                  (iv) every school district will develop and  
24                  implement a policy to ensure that all schools  
25                  are free of weapons and violence.

1 **TITLE II—NATIONAL EDUCATION**  
2 **REFORM, LEADERSHIP,**  
3 **STANDARDS, AND ASSESS-**  
4 **MENTS**

5 **PART A—NATIONAL EDUCATION GOALS PANEL**

6 **SEC. 201. PURPOSE.**

7 It is the purpose of this part to establish a bipartisan  
8 mechanism for—

9 (1) building a national consensus for education  
10 improvement;

11 (2) reporting on progress toward achieving the  
12 National Education Goals; and

13 (3) reviewing the voluntary national content  
14 and student performance standards and opportunity-  
15 to-learn standards certified by the National Edu-  
16 cation Standards and Improvement Council, as well  
17 as the criteria for their certification, and the criteria  
18 for the certification of State assessments by the Na-  
19 tional Education Standards and Improvement Coun-  
20 cil with the option of disapproving such standards  
21 and criteria not later than 60 days after receipt  
22 from such Council.

23 **SEC. 202. NATIONAL EDUCATION GOALS PANEL.**

24 (a) ESTABLISHMENT.—There is established in the ex-  
25 ecutive branch a National Education Goals Panel (referred

1 to in this Act as the “Goals Panel”) to advise the Presi-  
2 dent, the Secretary, and the Congress.

3 (b) COMPOSITION.—The Goals Panel shall be com-  
4 posed of eighteen members (referred to in this part as  
5 “members”), including—

6 (1) two members appointed by the President;

7 (2) eight members who are Governors, three of  
8 whom shall be from the same political party as the  
9 President and five of whom shall be of the opposite  
10 political party of the President, appointed by the  
11 Chairperson and Vice Chairperson of the National  
12 Governors’ Association, with each appointing rep-  
13 resentatives of his or her respective political party,  
14 in consultation with each other;

15 (3) four Members of Congress appointed as fol-  
16 lows—

17 (A) one member appointed by the majority  
18 leader of the Senate from among the Members  
19 of the Senate;

20 (B) one member appointed by the minority  
21 leader of the Senate from among the Members  
22 of the Senate;

23 (C) one member appointed by the majority  
24 leader of the House of Representatives from

1 among the Members of the House of Represent-  
2 atives; and

3 (D) one member appointed by the minority  
4 leader of the House of Representatives from  
5 among the Members of the House of Represent-  
6 atives; and

7 (4) four members of State legislatures ap-  
8 pointed by the President of the National Conference  
9 of State Legislatures, of whom not more than two  
10 may be of the same political party as the President  
11 of the United States.

12 (c) SPECIAL APPOINTMENT RULES.—(1) The mem-  
13 bers appointed pursuant to subsection (b)(2) shall be ap-  
14 pointed as follows:

15 (A) If the Chairperson of the National Gov-  
16 ernors' Association is from the same political party  
17 as the President, the Chairperson shall appoint three  
18 individuals and the Vice Chairperson shall appoint  
19 five individuals.

20 (B) If the Chairperson of the National Gov-  
21 ernors' Association is from the opposite political  
22 party as the President, the Chairperson shall ap-  
23 point five individuals and the Vice Chairperson shall  
24 appoint three individuals.

1       (2) If the National Governors' Association has ap-  
2       pointed a panel that meets the requirements of subsections  
3       (b) and (c), except for the requirements of subsection  
4       (b)(4), prior to the date of enactment of this title, then  
5       the members serving on such panel shall be deemed to be  
6       in compliance with subsections (b) and (c) and shall not  
7       be required to be reappointed pursuant to such sub-  
8       sections.

9       (3) To the extent feasible, the membership of the  
10      Goals Panel shall be geographically representative and re-  
11      flect the racial, ethnic, and gender diversity of the United  
12      States.

13      (d) TERMS.—The terms of service of members shall  
14      be as follows—

15           (1) Members appointed under subsection (b)(1)  
16      shall serve at the pleasure of the President.

17           (2) Members appointed under subsection (b)(2)  
18      shall serve a two-year term, except that the initial  
19      appointments under such paragraph shall be made  
20      to ensure staggered terms with one-half of such  
21      members' terms concluding every two years.

22           (3) Members appointed under subsection (b) (3)  
23      and (4) shall serve a term of two years.

1 (e) DATE OF APPOINTMENT.—The initial members  
2 shall be appointed not later than sixty days after the date  
3 of enactment of this Act.

4 (f) INITIATION.—The Goals Panel may begin to carry  
5 out its duties under this part when ten members of the  
6 Goals Panel have been appointed.

7 (g) VACANCIES.—A vacancy on the Goals Panel shall  
8 not affect the powers of the Goals Panel, but shall be filled  
9 in the same manner as the original appointment.

10 (h) TRAVEL.—Each member may be allowed travel  
11 expenses, including per diem in lieu of subsistence, as au-  
12 thorized by section 5703 of title 5, United States Code,  
13 for each day the member is engaged in the performance  
14 of duties away from the home or regular place of business  
15 of the member.

16 (i) CHAIRPERSON.—From among the members, the  
17 President shall appoint the Chairperson who shall serve  
18 a one-year term and shall alternate between political par-  
19 ties.

20 (j) CONFLICT OF INTEREST.—A member of the Goals  
21 Panel who is an elected official of a State which has devel-  
22 oped content, student performance, or opportunity-to-  
23 learn standards may not participate in Goals Panel consid-  
24 eration of such standards.



1 (k) EX OFFICIO MEMBER.—If the President has not  
2 appointed the Secretary of Education as 1 of the 2 mem-  
3 bers he appoints pursuant to subsection (b)(1), then the  
4 Secretary shall serve as a nonvoting ex officio member of  
5 the Goals Panel.

6 **SEC. 203. DUTIES.**

7 (a) DUTIES.—The Goals Panel shall—

8 (1) report to the President, the Secretary, and  
9 the Congress regarding the progress the Nation and  
10 the States are making toward achieving the National  
11 Education Goals established under title I of this Act,  
12 including issuing an annual report;

13 (2) report on State opportunity-to-learn stand-  
14 ards and the progress of States in meeting such  
15 standards;

16 (3) review, after taking into consideration the  
17 public comments received pursuant to section 216,  
18 with the option of disapproving by a two-thirds ma-  
19 jority vote of the full membership not later than 60  
20 days after receipt of the—

21 (A) criteria developed by the National  
22 Education Standards and Improvement Council  
23 for the certification of content and student per-  
24 formance standards, assessments, and oppor-  
25 tunity-to-learn standards; and

1 (B) voluntary national content and student  
2 performance standards and opportunity-to-learn  
3 standards certified by the National Education  
4 Standards and Improvement Council;

5 (4) report on promising or effective actions  
6 being taken at the national, State, and local levels,  
7 in the public and private sectors, to achieve the Na-  
8 tional Education Goals; and

9 (5) help build a nationwide, bipartisan consen-  
10 sus for the reforms necessary to achieve the Na-  
11 tional Education Goals.

12 (b) REPORT.—(1) The Goals Panel shall annually  
13 prepare and submit to the President, the Secretary, the  
14 appropriate committees of Congress, and the Governor of  
15 each State a report that shall—

16 (A) report on the progress of the United States  
17 toward achieving the National Education Goals;

18 (B) identify actions that should be taken by  
19 Federal, State, and local governments to enhance  
20 progress toward achieving the National Education  
21 Goals and State opportunity-to-learn standards; and

22 (C) report on State opportunity-to-learn stand-  
23 ards and the progress of States in meeting such  
24 standards.

1       (2) Reports shall be presented in a form, and include  
2 data, that is understandable to parents and the general  
3 public.

4 **SEC. 204. POWERS OF THE GOALS PANEL.**

5       (a) HEARINGS.—(1) The Goals Panel shall, for the  
6 purpose of carrying out this part, conduct such hearings,  
7 sit and act at such times and places, take such testimony,  
8 and receive such evidence, as the Goals Panel considers  
9 appropriate.

10       (2) In carrying out this part, the Goals Panel shall  
11 conduct hearings to receive reports, views, and analyses  
12 of a broad spectrum of experts and the public on the es-  
13 tablishment of voluntary national content and student per-  
14 formance standards, assessments, and opportunity-to-  
15 learn standards.

16       (b) INFORMATION.—The Goals Panel may secure di-  
17 rectly from any department or agency of the United States  
18 information necessary to enable the Goals Panel to carry  
19 out this part. Upon request of the Chairperson of the  
20 Goals Panel, the head of a department or agency shall  
21 furnish such information to the Goals Panel to the extent  
22 permitted by law.

23       (c) POSTAL SERVICES.—The Goals Panel may use  
24 the United States mail in the same manner and under the

1 same conditions as other departments and agencies of the  
2 United States.

3 (d) USE OF FACILITIES.—The Goals Panel may, with  
4 consent, use the research, equipment, services, and facili-  
5 ties of any agency or instrumentality of the United States,  
6 or of any State or political subdivision thereof.

7 (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-  
8 PORT.—(1) The Secretary shall provide to the Goals  
9 Panel, on a reimbursable basis, such administrative sup-  
10 port services as the Goals Panel may request.

11 (2) The Secretary shall, to the extent appropriate,  
12 and on a reimbursable basis, make contracts and other  
13 arrangements that are requested by the Goals Panel to  
14 help it compile and analyze data or carry out other func-  
15 tions necessary to the performance of such responsibilities.

16 **SEC. 205. ADMINISTRATIVE PROVISIONS.**

17 (a) MEETINGS.—The Goals Panel shall meet on a  
18 regular basis, as necessary, at the call of the Chairperson  
19 of the Goals Panel or a majority of its members.

20 (b) QUORUM.—A majority of the members shall con-  
21 stitute a quorum for the transaction of business.

22 (c) VOTING.—No individual may vote, or exercise any  
23 of the powers of a member, by proxy.

24 (d) PUBLIC ACCESS.—The Goals Panel shall ensure  
25 public access to its proceedings (other than proceedings,

1 or portions of proceedings, relating to internal personnel  
2 and management matters) and make available to the pub-  
3 lic, at reasonable cost, transcripts of such proceedings.

4 **SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**  
5 **ANTS.**

6 (a) DIRECTOR.—The Chairperson of the Goals Panel  
7 shall, without regard to the provisions of title 5, United  
8 States Code, relating to the appointment and compensa-  
9 tion of officers or employees of the United States, appoint  
10 a Director to be paid at a rate not to exceed the rate of  
11 basic pay payable for level V of the Executive Schedule.

12 (b) APPOINTMENT AND PAY OF EMPLOYEES.—  
13 (1)(A) The Director may appoint not more than four addi-  
14 tional employees to serve as staff to the Goals Panel with-  
15 out regard to the provisions of title 5, United States Code,  
16 governing appointments in the competitive service.

17 (B) The employees appointed under paragraph (1)(A)  
18 may be paid without regard to the provisions of chapter  
19 51 and subchapter III of chapter 53 of that title relating  
20 to classification and General Schedule pay rates, but shall  
21 not be paid a rate that exceeds the maximum rate of basic  
22 pay payable for GS–15 of the General Schedule.

23 (2) The Director may appoint additional employees  
24 to serve as staff to the Goals Panel consistent with title  
25 5, United States Code.

1 (c) EXPERTS AND CONSULTANTS.—The Goals Panel  
2 may procure temporary and intermittent services of ex-  
3 perts and consultants under section 3109(b) of title 5,  
4 United States Code.

5 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
6 quest of the Goals Panel, the head of any department or  
7 agency of the United States may detail any of the person-  
8 nel of such agency to the Goals Panel to assist the Goals  
9 Panel in its duties under this part.

10 **SEC. 207. EARLY CHILDHOOD ASSESSMENT.**

11 (a) GENERAL.—(1) The Goals Panel shall support  
12 the work of its Resource and Technical Planning Groups  
13 on School Readiness (referred to in this section as the  
14 Groups) to improve the methods of assessing the readiness  
15 of children for school that would lead to alternatives to  
16 currently used norm-referenced early childhood assess-  
17 ments.

18 (2) The Groups shall—

19 (A) create clear guidelines regarding the na-  
20 ture, functions, and uses of early childhood assess-  
21 ments, including a model of school readiness that  
22 addresses a broad range of early childhood devel-  
23 opmental needs;

24 (B) monitor and evaluate early childhood as-  
25 sessments, including the ability of existing assess-

1       ments to provide valid information on the readiness  
2       of children for school; and

3           (C) monitor and report on the long-term collec-  
4       tion of data on the status of young children to im-  
5       prove policy and practice, including the need for new  
6       sources of data necessary to assess the broad range  
7       of early childhood developmental needs.

8       (b) ADVICE.—The Groups shall advise and assist the  
9       Congress, the Secretary, the Goals Panel, and others re-  
10      garding how to improve the assessment of young children  
11      and how such assessments can improve services to chil-  
12      dren.

13      (c) REPORT.—The Goals Panel shall provide reports  
14      on the work of the Groups to the Congress, the Secretary,  
15      and the public.

16      **PART B—NATIONAL EDUCATION STANDARDS**  
17                   **AND IMPROVEMENT COUNCIL**

18      **SEC. 211. PURPOSE.**

19      The purpose of this part is to establish a mechanism  
20      to—

21           (1) certify and regularly review voluntary na-  
22      tional content and student performance standards  
23      that define what all students should know and be  
24      able to do;

1           (2) certify content and student performance  
2 standards submitted by States on a voluntary basis,  
3 if such standards are of equal or higher quality to  
4 the voluntary national content and student perform-  
5 ance standards certified by the National Education  
6 Standards and Improvement Council;

7           (3) certify and regularly review voluntary na-  
8 tional opportunity-to-learn standards that describe  
9 the conditions of teaching and learning necessary for  
10 all students to have a fair opportunity to achieve the  
11 knowledge and skills described in the voluntary na-  
12 tional content and student performance standards  
13 certified by the National Education Standards and  
14 Improvement Council;

15           (4) certify opportunity-to-learn standards sub-  
16 mitted by States on a voluntary basis, if such stand-  
17 ards are of equal or higher quality as compared with  
18 the voluntary national opportunity-to-learn stand-  
19 ards; and

20           (5) certify assessment systems submitted by  
21 States on a voluntary basis, if such systems are  
22 aligned with State content standards certified by the  
23 National Education Standards and Improvement  
24 Council and if such systems are valid, reliable, and  
25 consistent with relevant, nationally recognized, pro-



1        fessional and technical standards for assessment  
2        when used for their intended purposes.

3    **SEC. 212. NATIONAL EDUCATION STANDARDS AND IM-**  
4                                    **PROVEMENT COUNCIL.**

5        (a) ESTABLISHMENT.—There is established in the ex-  
6        ecutive branch a National Education Standards and Im-  
7        provement Council (referred to in this title as the  
8        “Council”).

9        (b) COMPOSITION.—The Council shall be composed  
10       of twenty members (referred in this part as “members”)  
11       who shall be appointed as follows:

12                (1) 8 members (2 from each of subparagraphs  
13                (A) through (D) of subsection (c)(1)) shall be ap-  
14                pointed by the President;

15                (2) 4 members (1 from each of subparagraphs  
16                (A) through (D) of subsection (c)(1)) shall be ap-  
17                pointed by the Speaker of the House of Representa-  
18                tives, in consultation with the majority and minority  
19                leaders of House;

20                (3) 4 members (1 from each of subparagraphs  
21                (A) through (D) of subsection (c)(1)) shall be ap-  
22                pointed by the majority leader of the Senate, in con-  
23                sultation with the minority leader of the Senate; and

1           (4) 4 members (1 from each of subparagraphs  
2           (A) through (D) of subsection (c)(1)) shall be ap-  
3           pointed by the National Education Goals Panel.

4           (c) QUALIFICATIONS.—(1) The members of the  
5 Council shall include—

6           (A) 5 professional educators, including elemen-  
7           tary and secondary classroom teachers, preschool  
8           educators and other school-based professionals, local  
9           district or State administrators, related service per-  
10          sonnel, and other educators;

11          (B) 5 representatives of business and industry,  
12          organized labor, and postsecondary educational insti-  
13          tutions, including at least 1 representative of post-  
14          secondary educational institutions, at least 1 rep-  
15          resentative of organized labor, and at least 1 rep-  
16          resentative of business who is also a member of the  
17          National Skill Standards Board;

18          (C) 5 representatives of the public, including  
19          representatives of advocacy, civil rights and disabil-  
20          ity groups, parents, civic leaders, and local and State  
21          education policymakers (including State, local, or  
22          tribal school boards); and

23          (D) 5 education experts, including experts in  
24          measurement and assessment, curriculum, school fi-  
25          nance and equity, and school reform.

1       (2) To the extent feasible, the membership of the  
2 Council shall be geographically representative of the Unit-  
3 ed States and reflect the diversity of the United States  
4 with regard to race, ethnicity, gender, and disability char-  
5 acteristics.

6       (3) One-third of the Council shall consist of individ-  
7 uals with expertise in the educational needs of children  
8 who are from low-income families, minority backgrounds,  
9 have limited-English proficiency, or have disabilities.

10       (d) TERMS.—(1) Members shall be appointed for 3-  
11 year terms, with no member serving more than 2 consecu-  
12 tive terms.

13       (2) The Council shall establish by lot initial terms  
14 for individuals of one, two, or three years in order to es-  
15 tablish a rotation in which one-third of the members are  
16 selected each year.

17       (e) DATE OF APPOINTMENT.—The initial members  
18 shall be appointed not later than 120 days after the date  
19 of enactment of this Act.

20       (f) INITIATION.—The Council shall begin to carry out  
21 the duties of the Council under this part when all 20 mem-  
22 bers have been appointed.

23       (g) RETENTION.—In order to retain an appointment  
24 to the Council, a member must attend at least two-thirds  
25 of the scheduled meetings of the Council in any given year.

1 (h) VACANCY.—A vacancy on the Council shall not  
2 affect the powers of the Council, but shall be filled in the  
3 same manner as the original appointment.

4 (i) COMPENSATION.—Members of the Council who  
5 are not regular full-time employees of the United States  
6 may, while attending meetings or hearings of the Council,  
7 be provided compensation at a rate fixed by the Secretary,  
8 but not exceeding the maximum rate of basic pay payable  
9 for GS-15 of the General Schedule.

10 (j) CONFLICT OF INTEREST.—(1) A member of the  
11 Council may not concurrently serve as a member of the  
12 Goals Panel.

13 (2) Section 208 of title 18 of the United States Code  
14 shall apply to members of the Council except that, for the  
15 purposes of making written determinations under sub-  
16 section (b)(1), the Government official responsible for the  
17 appointment of any member of the Council is deemed to  
18 be the Director of the Office of Government Ethics.

19 (3) A member of the Council who resides in a State  
20 which has developed standards and assessments may not  
21 participate in Council consideration of such standards and  
22 assessments.

23 (k) TRAVEL.—Each member of the Council may be  
24 allowed travel expenses, including per diem in lieu of sub-  
25 sistence, as authorized by section 5703 of title 5, United

1 States Code, for each day the member is engaged in the  
2 performance of duties away from the home or regular  
3 place of business of the member.

4 (l) OFFICERS.—The members of the Council shall se-  
5 lect officers from among its members. The officers of the  
6 Council shall serve for one-year terms.

7 **SEC. 213. DUTIES.**

8 (a) VOLUNTARY NATIONAL CONTENT STANDARDS.—

9 (1) The Council shall—

10 (A) identify areas in which voluntary national  
11 content standards need to be developed;

12 (B) certify voluntary national content and stu-  
13 dent performance standards using the criteria devel-  
14 oped under paragraph (2)(A)(i), that define what all  
15 students should know and be able to do;

16 (C) forward such voluntary national content  
17 and student performance standards to the Goals  
18 Panel for review, except that the Goals Panel shall  
19 have the option of disapproving such standards by a  
20 two-thirds majority vote of the full membership not  
21 later than 60 days after receipt of such standards;  
22 and

23 (D) develop a process for regularly reviewing  
24 any national voluntary content, student perform-

1       ance, and opportunity-to-learn standards that have  
2       been certified.

3       (2)(A) The Council shall—

4           (i) identify and develop criteria to be used for  
5       certifying the voluntary national content and student  
6       performance standards; and

7           (ii) before applying such criteria, forward them  
8       to the Goals Panel for review, except that the Goals  
9       Panel shall have the option of disapproving such cri-  
10      teria by a two-thirds majority vote of the full mem-  
11      bership not later than 60 days after receipt of such  
12      criteria.

13      (B) The criteria developed by the Council shall ad-  
14      dress—

15           (i) the extent to which the proposed standards  
16      are internationally competitive and comparable to  
17      the best in the world;

18           (ii) the extent to which the proposed content  
19      and student performance standards reflect the best  
20      available knowledge about how all students learn and  
21      about how the content area can be most effectively  
22      taught;

23           (iii) the extent to which the proposed content  
24      and student performance standards have been devel-  
25      oped through an open and public process that pro-

1       vides for input and involvement of all relevant par-  
2       ties, including teachers, related services personnel,  
3       and other professional educators, employers and  
4       postsecondary education institutions, curriculum and  
5       subject matter specialists, parents, advocacy groups,  
6       and the public; and

7               (iv) other factors that the Council deems appro-  
8       prium.

9       (C) In developing the criteria, the Council shall work  
10      with entities that are developing, or have already devel-  
11      oped, content and student performance standards, and  
12      any other entities that the Council deems appropriate, to  
13      identify appropriate certification criteria.

14       (b) VOLUNTARY STATE CONTENT STANDARDS.—The  
15      Council may certify content and student performance  
16      standards presented on a voluntary basis by States, using  
17      the criteria developed under subsection (a)(2)(A)(i), if  
18      such standards are of equal or higher quality to the vol-  
19      untary national content and student performance stand-  
20      ards certified by the Council.

21       (c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN  
22      STANDARDS.—(1) The Council shall certify exemplary,  
23      voluntary national opportunity-to-learn standards that will  
24      establish a basis for providing all students a fair oppor-  
25      tunity to achieve the knowledge and skills set out in the

1 voluntary national content standards certified by the  
2 Council.

3 (2) The voluntary national opportunity-to-learn  
4 standards certified by the Council shall address—

5 (A) the quality and availability of curricula, in-  
6 structional materials, and technologies, including  
7 distance learning, to all students;

8 (B) the capability of teachers to provide high-  
9 quality instruction to meet diverse learning needs in  
10 each content area to all students;

11 (C) the extent to which teachers, principals,  
12 and administrators have ready and continuing access  
13 to professional development, including the best  
14 knowledge about teaching, learning, and school im-  
15 provement;

16 (D) the extent to which curriculum, instruc-  
17 tional practices, and assessments are aligned to con-  
18 tent standards;

19 (E) the extent to which school facilities provide  
20 a safe and secure environment for learning and in-  
21 struction and have the requisite libraries, labora-  
22 tories, and other resources necessary to provide an  
23 opportunity to learn;



1 (F) the extent to which schools utilize policies,  
2 curricula, and instructional practices which ensure  
3 nondiscrimination on the basis of gender; and

4 (G) other factors that the Council deems appro-  
5 priate to ensure the students receive a fair oppor-  
6 tunity to achieve the knowledge and skills described  
7 in the voluntary content and student performance  
8 standards certified by the Council.

9 (3) In carrying out this subsection, the Council  
10 shall—

11 (A) identify what countries with rigorous con-  
12 tent standards do to—

13 (i) provide their children with opportunities  
14 to learn;

15 (ii) prepare their teachers; and

16 (iii) provide continuing professional devel-  
17 opment opportunities for their teachers; and

18 (B) develop criteria to be used for certifying the  
19 voluntary national and State opportunity-to-learn  
20 standards and, before applying such criteria, for-  
21 ward them to the Goals Panel for review, except that  
22 the Goals Panel shall have the option of disapprov-  
23 ing such standards by a two-thirds majority vote of  
24 the full membership not later than 60 days after re-  
25 ceipt of such criteria.

1       (4) The Council shall assist in the development of the  
2 voluntary national opportunity-to-learn standards devel-  
3 oped by the consortium under section 219 by—

4           (A) making recommendations to the Secretary  
5 regarding priorities and selection criteria for the  
6 award made under section 219; and

7           (B) coordinating with the consortium receiving  
8 an award under section 219 to ensure that the op-  
9 portunity-to-learn standards the consortium develops  
10 are appropriate for the needs of all students, are of  
11 high quality, and are consistent with the criteria de-  
12 veloped by the Council for the certification of such  
13 standards.

14       (5) The Council shall forward the voluntary national  
15 opportunity-to-learn standards it certifies to the Goals  
16 Panel for review, except that the Goals Panel shall have  
17 the option of disapproving such standards by a two-thirds  
18 majority vote of the full membership not later than 60  
19 days after receipt of such standards.

20       (d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN  
21 STANDARDS.—The Council may certify opportunity-to-  
22 learn standards submitted voluntarily by a State, using  
23 the criteria developed under subsection (c)(3)(B), if such  
24 standards are of equal or higher quality as compared to  
25 the voluntary national opportunity-to-learn standards.

1       (e) GENERAL PROVISION REGARDING VOLUNTARY  
2 NATIONAL STANDARDS.—The Council may certify vol-  
3 untary national content, student performance, and oppor-  
4 tunity-to-learn standards if such standards are sufficiently  
5 general to be used by any State without restricting State  
6 and local control of curriculum and prerogatives regarding  
7 instructional methods to be employed.

8       (f) ASSESSMENTS.—(1)(A) The Council may certify  
9 an assessment system that is submitted voluntarily by a  
10 State, using the criteria developed under paragraph  
11 (2)(A), if such system is aligned with the State’s content  
12 standards certified by the Council.

13       (B) Assessment systems shall be certified by the  
14 Council for the purposes of—

15           (i) informing students, parents, teachers, and  
16 related services personnel about the progress of all  
17 students toward the standards;

18           (ii) improving classroom instruction and im-  
19 proving the learning outcomes for all students;

20           (iii) exemplifying for students, parents, and  
21 teachers the kinds and levels of achievement that  
22 should be expected of all students, including the  
23 identification of student performance standards;

1 (iv) measuring and motivating individual stu-  
2 dents, schools, districts, States, and the Nation to  
3 improve educational performance; and

4 (v) assisting education policymakers in making  
5 decisions about education programs.

6 (C) The Council shall certify an assessment system  
7 only if—

8 (i) the State has established or adopted oppor-  
9 tunity-to-learn standards;

10 (ii) such system will not be used to make deci-  
11 sions regarding graduation, grade promotion, or re-  
12 tention of students for a period of five years from  
13 the date of enactment of this Act; and

14 (iii) the State has submitted—

15 (I) a description of the purposes for which  
16 the assessment system has been designed;

17 (II) the methodologies and process used to  
18 develop, select, validate, and use such assess-  
19 ment systems;

20 (III) a copy of the test instrument and, as  
21 appropriate, other measures that will make up  
22 the system; and

23 (IV) evidence that the test or tests which  
24 are part of the assessment system are valid, re-  
25 liable measures of their intended purposes, are

1 aligned with the State content standards, are  
2 capable of assessing the progress of all students  
3 toward learning the material in the State con-  
4 tent standards, and are consistent with relevant  
5 nationally recognized professional and technical  
6 standards.

7 (D) The Council shall, at the request of a State prior  
8 to developing an assessment system for a proposed use,  
9 review and provide guidance to such State on a proposed  
10 package of measures, including tests that would be in-  
11 cluded in such a system.

12 (2)(A) The Council shall develop and, no sooner than  
13 three years or later than four years after the enactment  
14 of this Act, begin utilizing criteria for the certification of  
15 assessment systems for the purposes indicated in para-  
16 graph (1)(B). Before using such criteria, the Council shall  
17 forward the criteria to the Goals Panel for review, except  
18 that the Goals Panel shall have the option of disapproving  
19 such criteria by a two-thirds majority vote of the full mem-  
20 bership not later than 60 days after receipt of such cri-  
21 teria.

22 (B) The certification criteria developed by the Coun-  
23 cil shall address the extent to which the assessment sys-  
24 tem—

1 (i) is aligned with State content standards cer-  
2 tified by the Council; and

3 (ii) is to be used for a purpose for which it is  
4 valid, reliable, free of discrimination, and is consist-  
5 ent with relevant, nationally recognized professional  
6 and technical standards for assessment.

7 (C) In determining appropriate certification criteria,  
8 the Council shall—

9 (i) consider standards and criteria being devel-  
10 oped by other national organizations, research on as-  
11 sessment, and emerging new State and local assess-  
12 ments;

13 (ii) recommend needed research;

14 (iii) encourage the development and field testing  
15 of assessment systems; and

16 (iv) provide a public forum for discussing, de-  
17 bating, and building consensus for the criteria to be  
18 used for the certification of assessment systems.

19 (D) Prior to determining the certification criteria, the  
20 Council shall seek public comment regarding the proposed  
21 criteria.

22 (E) The Council shall certify an assessment system  
23 only if such system includes all students.

24 (g) PERFORMANCE OF DUTIES.—In carrying out its  
25 responsibilities under this title, the Council shall—

1           (1) provide for a process of broad public input  
2           as part of the process of developing criteria for  
3           standards and assessments;

4           (2) work with Federal and non-Federal agencies  
5           and organizations which are conducting research,  
6           studies, or demonstration projects to determine  
7           internationally competitive standards and assess-  
8           ments, and may establish subject matter and other  
9           panels to advise it on particular content, student  
10          performance, and opportunity-to-learn standards and  
11          on assessments;

12          (3) shall establish cooperative arrangements  
13          with the National Skill Standards Board to promote  
14          the coordination of the development of content and  
15          student performance standards under this title with  
16          the development of skill standards under title IV of  
17          this Act;

18          (4) recommend studies to the Secretary that  
19          are necessary to carry out the Council's responsibil-  
20          ities;

21          (5) inform the public about what constitutes  
22          high quality, internationally competitive, content,  
23          student performance, and opportunity-to-learn  
24          standards, and assessment systems;

1           (6) on a regular basis, review and update cri-  
2       teria for certifying content, student performance,  
3       and opportunity-to-learn standards, and assessment  
4       systems; and

5           (7) periodically recertify, as appropriate, the  
6       voluntary national content and student performance  
7       standards, and the voluntary national opportunity-  
8       to-learn standards and the assessments that it cer-  
9       tifies under this section.

10       (h) UNCONDITIONED STATE PARTICIPATION.—No  
11   State shall be required to obtain certification of standards  
12   or assessments developed under subsection (b), (d), or (f)  
13   of this section or to participate in programs under title  
14   III of this Act, as a condition of participating in any Fed-  
15   eral education program under this or any other Act.

16   **SEC. 214. ANNUAL REPORTS.**

17       Not later than one year after the date the Council  
18   concludes its first meeting, and in each succeeding year,  
19   the Council shall prepare and submit a report to the Presi-  
20   dent, the Secretary, the appropriate committees of Con-  
21   gress, the Governor of each State, and the Goals Panel  
22   regarding its work.

23   **SEC. 215. POWERS OF THE COUNCIL.**

24       (a) HEARINGS.—(1) The Council shall, for the pur-  
25   pose of carrying out its responsibilities, conduct such hear-



1 ings, sit and act at such times and places, take such testi-  
2 mony, and receive such evidence, as the Council considers  
3 appropriate.

4 (2) In carrying out this part, the Council shall con-  
5 duct public hearings in different geographic areas of the  
6 United States, both urban and rural, to receive the re-  
7 ports, views, and analyses of a broad spectrum of experts  
8 and the public on the establishment of voluntary national  
9 content, student performance, and opportunity-to-learn  
10 standards, and assessment systems.

11 (b) INFORMATION.—The Council may secure directly  
12 from any department or agency of the United States infor-  
13 mation necessary to enable the Council to carry out this  
14 part. Upon request of the Chairperson of the Council, the  
15 head of a department or agency shall furnish such infor-  
16 mation to the Council to the extent permitted by law.

17 (c) POSTAL SERVICES.—The Council may use the  
18 United States mail in the same manner and under the  
19 same conditions as other departments and agencies of the  
20 United States.

21 (d) USE OF FACILITIES.—The Council may, with  
22 their consent, use the research, equipment, services, and  
23 facilities of any agency or instrumentality of the United  
24 States, or of any State or political subdivision thereof.

1       (e) ADMINISTRATIVE ARRANGEMENTS AND SUP-  
2 PORT.—(1) The Secretary shall provide to the Council, on  
3 a reimbursable basis, such administrative support services  
4 as the Council may request.

5       (2) The Secretary shall, to the extent appropriate,  
6 and on a reimbursable basis, make contracts and other  
7 arrangements that are requested by the Council to help  
8 it compile and analyze data or carry out other functions  
9 necessary to the performance of its responsibilities.

10 **SEC. 216. PUBLICATION FOR PUBLIC COMMENT.**

11       (a) TRANSMITTAL.—For the purpose of obtaining  
12 public comment through publication in the Federal Reg-  
13 ister, the Council shall transmit to the Secretary—

14               (1) proposed criteria for certifying national and  
15 State content and performance standards;

16               (2) proposed criteria for certifying national and  
17 State opportunity-to-learn standards;

18               (3) proposed criteria for certifying State assess-  
19 ment systems; and

20               (4) proposed national content, performance, and  
21 opportunity-to-learn standards.

22       (b) PUBLICATION.—The Secretary shall publish such  
23 proposed procedures, standards, and criteria in the Fed-  
24 eral Register.

1 **SEC. 217. ADMINISTRATIVE PROVISIONS.**

2 (a) MEETINGS.—The Council shall meet on a regular  
3 basis, as necessary, at the call of the Chairperson of the  
4 Council, or a majority of its members.

5 (b) QUORUM.—A majority of the members shall con-  
6 stitute a quorum for the transaction of business.

7 (c) VOTING.—The Council shall take all action of the  
8 Council by a majority vote of the total membership of the  
9 Council, ensuring the right of the minority to issue written  
10 views. No individual may vote or exercise any of the pow-  
11 ers of a member by proxy.

12 (d) PUBLIC ACCESS.—The Council shall ensure pub-  
13 lic access to its proceedings (other than proceedings, or  
14 portions of proceedings, relating to internal personnel and  
15 management matters) and make available to the public,  
16 at reasonable cost, transcripts of such proceedings.

17 **SEC. 218. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**  
18 **ANTS.**

19 (a) DIRECTOR.—The Chairperson of the Council  
20 shall, without regard to the provisions of title 5, United  
21 States Code, relating to the appointment and compensa-  
22 tion of officers or employees of the United States, appoint  
23 a Director to be paid at a rate not to exceed the rate of  
24 basic pay payable for level V of the Executive Schedule.

25 (b) APPOINTMENT AND PAY OF EMPLOYEES.—  
26 (1)(A) The Director may appoint not more than four addi-

1 tional employees to serve as staff to the Council without  
2 regard to the provisions of title 5, United States Code,  
3 governing appointments in the competitive service.

4 (B) The employees appointed under subparagraph  
5 (A) may be paid without regard to the provisions of chap-  
6 ter 51 and subchapter III of chapter 53 of that title relat-  
7 ing to classification and General Schedule pay rates, but  
8 shall not be paid a rate that exceeds the maximum rate  
9 of basic pay payable for GS-15 of the General Schedule.

10 (2) The Director may appoint additional employees  
11 to serve as staff of the Council consistent with title 5,  
12 United States Code.

13 (c) EXPERTS AND CONSULTANTS.—The Council may  
14 procure temporary and intermittent services under section  
15 3019(b) of title 5, United States Code.

16 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
17 quest of the Council, the head of any department or agen-  
18 cy of the United States may detail any of the personnel  
19 of such department or agency to the Council to assist the  
20 Council in its duties under this part.

21 **SEC. 219. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.**

22 (a) OPPORTUNITY-TO-LEARN DEVELOPMENT  
23 GRANT.—(1) The Secretary is authorized to make a grant,  
24 on a competitive basis, to a consortium of individuals and  
25 organizations to develop voluntary national opportunity-

1 to-learn standards consistent with the provisions of section  
2 213(c).

3 (2) To the extent possible, such consortium shall in-  
4 clude the participation of—

5 (A) State-level policymakers, such as Governors,  
6 State legislators, chief State school officers, and  
7 State school board members;

8 (B) local policymakers and administrators, such  
9 as local school board members, superintendents, and  
10 principals;

11 (C) teachers (especially teachers involved in the  
12 development of content standards);

13 (D) parents and individuals with experience in  
14 promoting parental involvement in education;

15 (E) representatives of business;

16 (F) experts in vocational-technical education;

17 (G) representatives of regional accrediting asso-  
18 ciations;

19 (H) individuals with expertise in school finance  
20 and equity, the education of at-risk students, and  
21 the preparation and training of teachers and school  
22 administrators;

23 (I) curriculum and school reform experts;

24 (J) student and civil rights advocacy groups;

25 (K) representatives of higher education; and

1 (L) secondary school students.

2 (3) In developing voluntary national opportunity-to-  
3 learn standards, such consortium shall—

4 (A) draw upon current research about student  
5 achievement and the necessary conditions for effective  
6 teaching and learning; and

7 (B) provide for the development of several consecutive  
8 drafts of standards which incorporate the  
9 comments and recommendations of educators and  
10 other knowledgeable individuals across the Nation.

11 (4) One-third of the consortium shall consist of individuals  
12 with expertise in the educational needs and assessment  
13 of children who are from low-income families, minority  
14 backgrounds, have limited-English proficiency, or have  
15 disabilities.

16 (5) The membership of the consortium shall be geographically  
17 representative and reflect the racial, ethnic,  
18 and gender diversity of the United States.

19 (b) APPLICATIONS.—(1) Any consortium that desires  
20 to receive a grant under this subsection shall submit an  
21 application to the Secretary at such time, in such manner,  
22 and containing such information and assurances as the  
23 Secretary may require.

24 (2) In awarding such grant, the Secretary shall give  
25 priority to applications from consortia which involve indi-

viduals and organizations with the greatest diversity of perspectives and points of view.

(3) In establishing additional priorities and selection criteria for such grant, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(4)(A).

(c) REPORT.—After the development of the voluntary national opportunity-to-learn standards, the consortium funded under this section shall submit a report to the Secretary which discusses the background, important issues, and rationale regarding such standards.

**SEC. 220. ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.**

(a) GENERAL.—(1) The Secretary is authorized to make grants to States and local educational agencies or consortia of such agencies to help defray the cost of developing, field testing, and evaluating assessment systems, to be used for some or all of the purposes indicated in section 213(f)(1)(B), that are aligned to State content standards certified by the Council.

(2) The Secretary shall reserve a portion of the funds authorized under section 231(d) for grants to State educational agencies and local educational agencies for purposes of developing such assessments in languages other than English.

1       (b) APPLICATIONS.—A State, local educational agen-  
2 cy, or consortium of such agencies that desires to receive  
3 a grant under subsection (a)(1) shall submit an applica-  
4 tion to the Secretary at such time, in such manner, and  
5 containing such information and assurances as the Sec-  
6 retary may require.

7       (c) REQUIREMENTS.—(1) A recipient of a grant  
8 under this section shall—

9           (A) examine the validity and reliability of an as-  
10       assessment system for the particular purposes for  
11       which such assessment system was developed;

12           (B) ensure that an assessment system is con-  
13       sistent with relevant, nationally recognized profes-  
14       sional and technical standards for assessments; and

15           (C) devote special attention to how an assess-  
16       ment system, treats all students, especially with re-  
17       gard to the race, gender, ethnicity, disability, and  
18       language proficiency.

19       (2) An assessment system developed and evaluated  
20 with funds under this section may not be used for deci-  
21 sions about individual students relating to program place-  
22 ment, promotion, or retention, graduation, or employment  
23 for a period of five years from the date of enactment of  
24 this Act.



1 **SEC. 221. EVALUATION.**

2 (a) GRANT.—From funds reserved under section  
3 304(a)(2), the Secretary annually shall make a grant, in  
4 an amount not to exceed \$500,000, to the Commission on  
5 Behavioral and Social Sciences and Education of the Na-  
6 tional Academy of Sciences or to the National Academy  
7 of Education to—

8 (1) evaluate—

9 (A) the technical quality of the work per-  
10 formed by the Goals Panel and the Council;

11 (B) the process the Council uses to develop  
12 criteria for certification of standards and as-  
13 sessments;

14 (C) the process the Council uses to certify  
15 voluntary national standards as well as stand-  
16 ards and assessments voluntarily submitted by  
17 States; and

18 (D) the process the Goals Panel uses to  
19 approve certification criteria and voluntary na-  
20 tional standards;

21 (2) periodically provide to the Goals Panel and  
22 the Council, as appropriate, information from the  
23 evaluation under paragraph (1); and

24 (3) report on the activities authorized under  
25 sections 219 and 220.

1 (b) REPORT.—The grant recipient shall periodically  
2 report to the Congress, the Secretary, and the public re-  
3 garding findings and shall make a final report not later  
4 than January 1, 1998.

5 **PART C—AUTHORIZATION OF APPROPRIATIONS**

6 **SEC. 231. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) NATIONAL EDUCATION GOALS PANEL.—There  
8 are authorized to be appropriated \$3,000,000 for fiscal  
9 year 1994 and such sums as may be necessary for each  
10 of the four succeeding fiscal years to carry out part A of  
11 this title.

12 (b) NATIONAL EDUCATION STANDARDS AND IM-  
13 PROVEMENT COUNCIL.—There are authorized to be ap-  
14 propriated \$3,000,000 for fiscal year 1994 and such sums  
15 as may be necessary for each of the fiscal years 1995  
16 through 1998 to carry out part B of this title.

17 (c) OPPORTUNITY-TO-LEARN DEVELOPMENT  
18 GRANT.—There are authorized to be appropriated  
19 \$3,000,000 for fiscal year 1994 and such sums as may  
20 be necessary for fiscal year 1995 to carry out the Oppor-  
21 tunity-to-Learn Development Grant Program established  
22 under section 219 of this title.

23 (d) ASSESSMENT DEVELOPMENT AND EVALUATION  
24 GRANTS.—There are authorized to be appropriated  
25 \$5,000,000 for fiscal year 1994 and such sums as may

1 be necessary for each of the fiscal years 1995 through  
2 1998 to carry out the Assessment Development and Eval-  
3 uation Grants Program established under section 220 of  
4 this title.

5 **TITLE III—STATE AND LOCAL**  
6 **EDUCATION SYSTEMIC IM-**  
7 **PROVEMENT**

8 **SEC. 301. CONGRESSIONAL FINDINGS.**

9 The Congress finds that—

10 (1) all students can learn and achieve high  
11 standards and must realize their potential if the  
12 United States is to prosper;

13 (2) the reforms in education of the last 15  
14 years have achieved some good results, but these ef-  
15 forts often have been limited to a few schools or to  
16 a single part of the educational system;

17 (3) leadership must come both from teachers,  
18 related services personnel, principals, and parents in  
19 individual schools and from policymakers at the  
20 local, State, tribal, and national levels, in order for  
21 lasting improvements in student performance to  
22 occur;

23 (4) simultaneous top-down and bottom-up edu-  
24 cation reform is necessary to spur creative and inno-  
25 vative approaches by individual schools to help all

1 students achieve internationally competitive stand-  
2 ards;

3 (5) strategies must be developed by commu-  
4 nities and States to support the revitalization of all  
5 local public schools by fundamentally changing the  
6 entire system of public education through com-  
7 prehensive, coherent, and coordinated improvement  
8 in order to increase student learning;

9 (6) parents, teachers, and other local educators,  
10 and business, community, and tribal leaders must be  
11 involved in developing systemwide improvement  
12 strategies that reflect the needs of their individual  
13 communities;

14 (7) State and local education improvement ef-  
15 forts must incorporate strategies for providing all  
16 students and families with coordinated access to ap-  
17 propriate social services, health care, nutrition, and  
18 child care to remove preventable barriers to learning  
19 and enhance school readiness for all students;

20 (8) States and local educational agencies, work-  
21 ing together, must immediately set about developing  
22 and implementing such systemwide improvement  
23 strategies if the Nation is to educate all children to  
24 meet their full potential and achieve the National  
25 Education Goals listed in title I of this Act;

1           (9) State and local systemic improvement strat-  
2       egies must provide all students with effective mecha-  
3       nisms and appropriate paths to the workforce as well  
4       as to higher education;

5           (10) business should be encouraged to enter  
6       into partnerships with schools, provide information  
7       and guidance to schools on the needs of area busi-  
8       ness for properly educated graduates in general and  
9       on the need for particular workplace skills, that the  
10      schools may provide necessary material and support,  
11      and continue the lifelong learning process through-  
12      out the employment years of an individual, and  
13      schools should provide information to business re-  
14      garding how the business community can assist  
15      schools in meeting the goals of this Act;

16          (11) institutions of higher education should be  
17      encouraged to enter into partnerships with schools  
18      to provide information and guidance to schools on  
19      the skills and knowledge graduates need in order to  
20      enter and successfully complete postsecondary edu-  
21      cation, and schools should provide information and  
22      guidance to institutions of higher education on the  
23      skills, knowledge, and preservice training teachers  
24      need, and the types of professional development edu-  
25      cators need in order to meet the goals of this Act;

1           (12) the appropriate and innovative use of tech-  
2           nology, including distance learning, can be very ef-  
3           fective in helping to bring all students the oppor-  
4           tunity to learn and meet high standards; and

5           (13) Federal funds should be targeted to sup-  
6           port local and State initiatives, and to leverage State  
7           and local resources for designing and implementing  
8           system-wide improvement plans.

9   **SEC. 302. PURPOSE.**

10       The purpose of this title is to improve the quality of  
11       education for all students by improving student learning  
12       through a long-term, broad-based effort to promote coher-  
13       ent and coordinated improvements in the system of edu-  
14       cation throughout the Nation at the local and State levels.  
15       This title provides new authorities and funding for the Na-  
16       tion's school systems without replacing or reducing fund-  
17       ing for existing Federal education programs. It is the in-  
18       tention of the Congress that no State or local educational  
19       agency will reduce its funding for education or for edu-  
20       cation reform on account of receiving any funds under this  
21       title.

22   **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

23       For the purpose of carrying out this title, there are  
24       authorized to be appropriated \$393,000,000 for the fiscal

1 year 1994, and such sums as may be necessary for each  
2 of the fiscal years 1995 through 1998.

3 **SEC. 304. ALLOTMENT OF FUNDS.**

4 (a) RESERVATIONS OF FUNDS.—From funds appro-  
5 priated under section 303, the Secretary—

6 (1) shall reserve a total of one percent to pro-  
7 vide assistance, in amounts determined by the Sec-  
8 retary—

9 (A) to the outlying areas; and

10 (B) to the Secretary of the Interior to ben-  
11 efit Indian students in schools operated or  
12 funded by the Bureau of Indian Affairs (re-  
13 ferred to in this Act as the “Bureau”); and

14 (2) may reserve a total of up to 6 percent for—

15 (A) national leadership activities under  
16 section 313;

17 (B) the costs of peer review of State im-  
18 provement plans and applications under this  
19 title; and

20 (C) evaluation activities under section 221.

21 (b) STATE ALLOTMENTS.—The Secretary shall allot  
22 the remaining amount appropriated under section 303 for  
23 each fiscal year to the States (which for the purposes of  
24 this subsection does not include the outlying areas) as fol-  
25 lows:

1           (1) 50 percent of such remaining amount shall  
2       be allocated in accordance with the relative amounts  
3       such State received under chapter 1 of title I of the  
4       Elementary and Secondary Education Act of 1965  
5       for the preceding fiscal year.

6           (2) 50 percent of such remaining amount shall  
7       be allocated in accordance with the relative amounts  
8       each such State received under part A of chapter 2  
9       of title I of the Elementary and Secondary Edu-  
10      cation Act of 1965 for the preceding fiscal year.

11       (c) REALLOTMENTS.—If the Secretary determines  
12      that any amount of a State’s allotment for any fiscal year  
13      under subsection (b) will not be needed for such fiscal year  
14      by the State, the Secretary shall reallocate such amount to  
15      other States that need additional funds, in such manner  
16      as the Secretary determines is appropriate.

17   **SEC. 305. STATE APPLICATIONS.**

18       (a) GENERAL.—(1) If a State desires to receive a  
19      grant under this title, the State educational agency shall  
20      submit an application to the Secretary at such time and  
21      in such manner as the Secretary may determine.

22       (2) In addition to the information described in sub-  
23      sections (b) and (c), each such application shall include—

24           (A) an assurance that the State educational  
25      agency will cooperate with the Secretary in carrying



1 out the Secretary's responsibilities under section  
2 312, and will comply with reasonable requests of the  
3 Secretary for data related to the State's progress in  
4 developing and implementing its State improvement  
5 plan under this title;

6 (B) an assurance that State law provides ade-  
7 quate authority to carry out each component of the  
8 State's improvement plan developed, or to be devel-  
9 oped under section 306, or that such authority will  
10 be sought;

11 (C) an assurance that the standards developed  
12 for student achievement are not less rigorous than  
13 student achievement standards used prior to the  
14 date of enactment of this Act;

15 (D) an assurance that the State will provide for  
16 broad public participation in the planning process;  
17 and

18 (E) such other assurances and information as  
19 the Secretary may require.

20 (b) FIRST YEAR.—A State's application for the first  
21 year of assistance under this title shall—

22 (1) describe the process by which the State will  
23 develop a school improvement plan that meets the  
24 requirements of section 306; and

1           (2) describe how the State educational agency  
2           will use funds received under this title for such year,  
3           including how the State educational agency will  
4           make subgrants to local educational agencies and for  
5           teacher training.

6           (c) SUBSEQUENT YEARS.—A State's second applica-  
7           tion under this title shall—

8           (1) cover the second through fifth years of its  
9           participation;

10          (2) include a copy of the State's improvement  
11          plan that meets the requirements of section 306 or,  
12          if the State plan is not complete, a statement of the  
13          steps it will take to complete the plan and a schedule  
14          for doing so; and

15          (3) include an explanation of how the State will  
16          use funds received under this title, including how it  
17          will make subgrants to local educational agencies  
18          and for teacher training under section 309(b)(1).

19 **SEC. 306. STATE IMPROVEMENT PLANS.**

20          (a) BASIC SCOPE OF PLAN.—Any State educational  
21          agency that wishes to receive a grant under this title after  
22          its first year of participation shall develop and implement  
23          a plan for the fundamental restructuring and improvement  
24          of elementary and secondary education in the State. This  
25          plan must address—

1           (1) in accordance with subsection (c), the estab-  
2           lishment or adoption of challenging content and stu-  
3           dent performance standards for all students and the  
4           use of curricula, instructional practices, assessments,  
5           technology, parental involvement programs, and pro-  
6           fessional preparation and development approaches  
7           appropriate to help all students reach such stand-  
8           ards;

9           (2) in accordance with subsection (d), the es-  
10          tablishment or adoption of opportunity-to-learn  
11          standards that will define the conditions of teaching  
12          and learning that provide all students the oppor-  
13          tunity to meet the challenging content and student  
14          performance standards;

15          (3) in accordance with subsection (e), needed  
16          changes in the governance and management of the  
17          education system in order to effectively focus schools  
18          on, and assist them in, preparing all students to  
19          meet the challenging State standards;

20          (4) in accordance with subsection (f), com-  
21          prehensive strategies to involve communities, includ-  
22          ing parents, businesses, libraries, institutions of  
23          higher education, employment and training agencies,  
24          health and human service agencies, advocacy groups,  
25          cultural institutions, and other public and private

1 agencies that provide social services, health care,  
2 child care, early childhood education, and nutrition  
3 to students, in helping all students meet the chal-  
4 lenging State standards;

5 (5) in accordance with subsection (g), strategies  
6 for ensuring that all local educational agencies and  
7 schools within the State are involved in developing  
8 and implementing needed improvements within a  
9 specified period of time;

10 (6) in accordance with subsection (h), strategies  
11 for ensuring that comprehensive, systemic reform is  
12 promoted from the bottom up in communities, local  
13 educational agencies, and schools; and

14 (7) the needs of the children, ages 5 through  
15 18, who are out of school and the extent to which  
16 such children can be brought back into the education  
17 system and meet the standards set forth in this Act.

18 (b) PLAN DEVELOPMENT.—(1) A State improvement  
19 plan under this title must be developed by a broad-based  
20 panel (referred to in this title as the “panel”) in coopera-  
21 tion with the State educational agency and the Governor.  
22 The panel shall include—

23 (A) the Governor and the chief State school of-  
24 ficer, or their designees;

1 (B) the chairman of the State board of edu-  
2 cation and the chairmen of the appropriate authoriz-  
3 ing committees of the State legislature, or their des-  
4 ignees;

5 (C) teachers, principals, and administrators  
6 who have successfully improved student performance  
7 and deans of colleges of education;

8 (D) representatives of teacher organizations,  
9 parents, institutions of higher education, business  
10 and labor leaders, community-based organizations,  
11 Indian tribes, local boards of education, State and  
12 local officials responsible for health, social services,  
13 and other related services, and others, as appro-  
14 priate;

15 (E) representatives from rural and urban local  
16 educational agencies in the State; and

17 (F) experts in educational measurement and as-  
18 sessment.

19 (2) The Governor and the chief State school officer  
20 shall each appoint half the members of the State panel.  
21 The full panel shall establish the procedures regarding the  
22 operation of the panel, including the designation of the  
23 panel chairperson.

24 (3) To the extent feasible, the membership of the  
25 panel shall be geographically representative of the State

1 and reflect the diversity of the population of the State with  
2 regard to race, ethnicity, gender, and disability character-  
3 istics.

4 (4) One-third of the panel members shall be individ-  
5 uals with expertise in the educational needs and assess-  
6 ments of children who are from low-income families, mi-  
7 nority group backgrounds, have limited-English pro-  
8 ficiency, or have disabilities.

9 (5) The panel shall consult the Governor, the chief  
10 State school officer, the State board of education, and rel-  
11 evant committees of the State legislature in developing the  
12 plan.

13 (6) The panel shall be responsible for conducting a  
14 statewide, grassroots outreach process, including conduct-  
15 ing public hearings, to involve educators, related services  
16 personnel, parents, secondary school students, local offi-  
17 cials, private nonprofit elementary and secondary schools,  
18 community and business leaders, Indian tribes, citizens,  
19 children's advocates, and others with a stake in the suc-  
20 cess of students and their education system, and who are  
21 representative of the diversity of the State and its student  
22 population, in the development of the State plan and in  
23 a continuing dialog regarding the need for and nature of  
24 challenging standards for all students and local and State  
25 responsibilities for helping all students achieve them.

1       (7) The panel shall develop a continuing process for  
2 interacting with local educational agencies and individual  
3 schools engaged in systemic reform, especially including  
4 local educational agencies and schools which receive  
5 subgrants under section 309 of this Act, to ensure that  
6 the development and implementation of the State plan re-  
7 flects their needs and experiences.

8       (8) The panel shall develop a State plan, provide op-  
9 portunity for public comment, and submit the State plan  
10 to the State educational agency for approval.

11       (9) The State educational agency shall submit the  
12 original State improvement plan developed by the panel  
13 and the State improvement plan if modified by such agen-  
14 cy, together with an explanation of any changes made by  
15 such agency to the plan developed by the panel, to the  
16 Secretary for approval.

17       (10) If any portion of the State plan addresses mat-  
18 ters that, under State or other applicable law, are not  
19 under the authority of the State educational agency, the  
20 State educational agency shall obtain the approval of, or  
21 changes to, such portion, with an explanation from the  
22 Governor or other official responsible for that portion be-  
23 fore submitting the plan to the Secretary.

24       (11) After approval of the State plan by the Sec-  
25 retary, the panel, in close consultation with teachers, prin-

1 cipals, administrators, school boards, advocacy groups, ad-  
2 vocates of children with disabilities and parents in local  
3 educational agencies and schools receiving funds under  
4 this title, shall monitor the implementation and effective-  
5 ness of the State plan to determine if revisions are appro-  
6 priate, and shall periodically report its findings to the pub-  
7 lic.

8 (c) TEACHING, LEARNING, STANDARDS, AND AS-  
9 SESSMENTS.—Each State plan shall establish strategies  
10 and a timetable for improving teaching and learning, in-  
11 cluding—

12 (1) a process for developing or adopting chal-  
13 lenging content and student performance standards  
14 for all students which includes coordinating the  
15 standards developed pursuant to section 115 of the  
16 Carl D. Perkins Vocational and Applied Technology  
17 Education Act of 1990;

18 (2) a process for providing assistance and sup-  
19 port to local educational agencies and schools to give  
20 them the capacity and responsibility to provide all  
21 students the opportunity to increase education  
22 achievement and meet challenging State content and  
23 student performance standards;

24 (3) assessing the effectiveness and equity of the  
25 school finance program of the State to identify dis-



1       parities in the resources available to each local edu-  
2       cational agency and school in such State and how  
3       such disparities affect the ability of the State edu-  
4       cational agency and local educational agencies to de-  
5       velop and implement plans under this title;

6           (4) a process for developing, adopting, or rec-  
7       ommending instructional materials, including gender  
8       equitable and multicultural materials, and tech-  
9       nology to support and assist local educational agen-  
10      cies and schools to provide all students the oppor-  
11      tunity to meet the challenging State content and  
12      student performance standards;

13          (5) a process for developing and implementing  
14      a valid and nondiscriminatory assessment system or  
15      set of locally-based assessment systems which are  
16      consistent with relevant, nationally recognized, pro-  
17      fessional and technical standards for assessment,  
18      and are capable of providing coherent information  
19      about student attainments relative to the State con-  
20      tent standards;

21          (6) a process for monitoring the implementation  
22      of such system or systems and the impact on im-  
23      proved instruction for all students;

24          (7) a process for improving the State's system  
25      of teacher and school administrator preparation, li-

1       censure, and continuing professional development so  
2       that all teachers, related services personnel, and ad-  
3       ministrators develop the subject matter and peda-  
4       gogical expertise needed to prepare all students to  
5       meet the challenging standards under paragraph (1);

6           (8) a process for providing appropriate and ef-  
7       fective professional development, including the use of  
8       technology, distance learning, and gender-equitable  
9       methods, necessary for teachers, school administra-  
10      tors, and others to help all students meet the chal-  
11      lenging standards under paragraph (1); and

12           (9) a process to ensure widespread participation  
13      of classroom teachers in developing the portions of  
14      the plan described in this subsection.

15      (d) OPPORTUNITY-TO-LEARN STANDARDS.—Each  
16      State plan shall establish a strategy and timetable for—

17           (1) adopting or establishing opportunity-to-  
18      learn standards that are consistent with the chal-  
19      lenging content and student performance standards  
20      that have been adopted or established;

21           (2) ensuring that every school in the State is  
22      making demonstrable progress toward meeting the  
23      State's opportunity-to-learn standards;

24           (3) ensuring that the State's opportunity-to-  
25      learn standards address the need of all students;

1           (4) providing for periodic assessments of the ex-  
2           tent to which opportunity-to-learn standards are  
3           being met throughout the State; and

4           (5) periodically reporting to the public on the  
5           extent of the State's improvement in achieving such  
6           standards and providing all students with a fair op-  
7           portunity to achieve the knowledge and skill levels  
8           that meet the State's content and student perform-  
9           ance standards.

10          (e) GOVERNANCE AND MANAGEMENT.—Each State  
11          plan shall establish strategies for improved governance  
12          and management of its education system, such as—

13               (1) aligning responsibility, authority, and ac-  
14               countability throughout the education system, so  
15               that decisions regarding content and student per-  
16               formance standards are coordinated and decisions  
17               regarding the means for achieving such standards  
18               are made closest to the learners;

19               (2) creating an integrated and coherent ap-  
20               proach to attracting, recruiting, preparing and li-  
21               censing, appraising, rewarding, retaining, and sup-  
22               porting the continued professional development of  
23               teachers (including vocational teachers), administra-  
24               tors, and other educators, including bilingual edu-  
25               cators and special education providers, so that there

1 is a highly talented workforce of professional edu-  
2 cators capable of preparing all students to reach  
3 challenging standards, with special attention to the  
4 recruitment, training, and retention of qualified mi-  
5 norities into the education profession within the  
6 State to ensure that the profession reflects the racial  
7 and ethnic diversity of the student population;

8 (3) providing incentives for high performance,  
9 such as—

10 (A) working with employers and institu-  
11 tions of higher education to devise strategies to  
12 reward student achievement;

13 (B) incentives for classroom teachers, prin-  
14 cipals, and other professional educators to par-  
15 ticipate in professional development activities;  
16 and

17 (C) school-based incentives for schools and  
18 local educational agencies to improve student  
19 performance;

20 (4) increasing the proportion of State and local  
21 funds allocated to direct instructional purposes; and

22 (5) increasing flexibility for local educational  
23 agencies and schools by, for example—

1 (A) waiving State regulations and other re-  
2 quirements that impede educational improve-  
3 ment;

4 (B) focusing accountability on educational  
5 outcomes rather than monitoring compliance  
6 with input requirements; and

7 (C) fostering conditions that allow teach-  
8 ers, principals, and parents in the school com-  
9 munity to be creative in helping all students  
10 meet challenging standards.

11 (f) PARENTAL AND COMMUNITY SUPPORT AND IN-  
12 VOLVEMENT.—Each State plan shall describe strategies  
13 for how the State will involve parents and other commu-  
14 nity members in planning, designing, and implementing  
15 its plan, including such strategies as—

16 (1) educating the public about the need for  
17 higher standards, systemic improvement, and aware-  
18 ness of diverse learning needs;

19 (2) involving parents, communities, and advo-  
20 cacy groups in the standard-setting and improve-  
21 ment process;

22 (3) linking the family and school in supporting  
23 students to meet the challenging student content  
24 and performance standards established;

1           (4) reporting, on an ongoing basis, to parents,  
2           educators, and the public on the progress in imple-  
3           menting the plan and improving student perform-  
4           ance;

5           (5) focusing public and private community re-  
6           sources and public school resources on prevention  
7           and early intervention to address the needs of all  
8           students by—

9                   (A) identifying and removing unnecessary  
10                  regulations and obstacles to coordination;

11                  (B) improving communication and infor-  
12                  mation exchange; and

13                  (C) providing appropriate training to agen-  
14                  cy personnel; and

15           (6) increasing the access of all students to so-  
16           cial services, health care, nutrition, related services,  
17           and child care services, and locating such services in  
18           schools, cooperating service agencies, community-  
19           based centers, or other convenient sites designed to  
20           provide “one-stop shopping” for parents and stu-  
21           dents.

22           (g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—To  
23           help provide all students throughout the State the oppor-  
24           tunity to meet challenging State standards, each State  
25           plan shall describe strategies such as—

1           (1) ensuring that the improvement efforts ex-  
2       pand from the initial local educational agencies,  
3       schools, and educators involved to all local edu-  
4       cational agencies, schools, and educators in the  
5       State education system through such approaches as  
6       teacher and administrator professional development,  
7       technical assistance, whole school projects, intensive  
8       summer training, and networking of teachers and  
9       other educators, consortia of schools, and local edu-  
10      cational agencies undertaking similar improvements;

11          (2) developing partnerships among preschools,  
12      elementary and secondary schools, institutions of  
13      higher education, cultural institutions, health and  
14      social service providers, and employers to improve  
15      teaching and learning at all levels of the education  
16      system for all students and to foster collaboration  
17      and continuous improvement;

18          (3) strategies to provide for the close coordina-  
19      tion of standards development and improvement ef-  
20      forts among institutions of higher education and sec-  
21      ondary, and elementary schools;

22          (4) conducting parental involvement activities  
23      and outreach programs aimed at parents whose lan-  
24      guage is a language other than English, individuals  
25      with disabilities, and other special populations, in-

1 including American Indians, Alaskan Natives, and Na-  
2 tive Hawaiians, to involve all segments of the com-  
3 munity in the development of the State plan;

4 (5) developing partnerships with Indian tribes  
5 and schools funded by the Bureau, where appro-  
6 priate, to improve consistency and compatibility in  
7 curriculum among public and such schools funded by  
8 the Bureau at all grade levels;

9 (6) allocating all available local, State, and Fed-  
10 eral resources to achieve system-wide improvement;

11 (7) providing for the development of objective  
12 criteria and measures against which the success of  
13 local plans will be evaluated;

14 (8) providing for the availability of curricular  
15 materials, learning technologies, including distance  
16 learning, and professional development in a manner  
17 ensuring equal access by all local educational agen-  
18 cies in the State;

19 (9) taking steps to ensure that all local edu-  
20 cational agencies, schools, and educators in the  
21 State benefit from successful programs and practices  
22 supported by funds made available to local edu-  
23 cational agencies and schools under this title; and

24 (10) providing assistance to students, teachers,  
25 schools, and local educational agencies that are iden-



1       tified through the assessment system developed  
2       under subsection (c)(5) as needing such assistance.

3       (h) PROMOTING BOTTOM-UP REFORM.—Each State  
4       plan shall include strategies for ensuring that comprehen-  
5       sive, systemic reform is promoted from the bottom up in  
6       communities, local educational agencies, and schools, as  
7       well as guided by coordination and facilitation from State  
8       leaders, including strategies such as—

9               (1) ensuring that the State plan is responsive to  
10       the needs and experiences of local educational agen-  
11       cies, schools, teachers, the community, and parents;

12              (2) establishing mechanisms for continuous  
13       input from local schools, communities, advocacy  
14       groups, institutions of higher education, and local  
15       educational agencies into, and feedback on, the im-  
16       plementation of the State plan;

17              (3) providing discretionary resources that en-  
18       able teachers and schools to purchase needed profes-  
19       sional development and other forms of assistance  
20       consistent with their improvement plan from high-  
21       quality providers of their choice;

22              (4) establishing collaborative networks of teach-  
23       ers centered on content standards and assessments  
24       for the purpose of improving teaching and learning;

1           (5) providing flexibility to individual schools  
2           and local educational agencies to enable them to  
3           adapt and integrate State content standards into  
4           courses of study appropriate for individual schools  
5           and communities;

6           (6) facilitating the provision of waivers from  
7           State rules and regulations that impede the ability  
8           of local educational agencies or schools to carry out  
9           local education improvement plans; and

10          (7) facilitating communication among educators  
11          within and between local educational agencies for the  
12          purpose of sharing innovative and effective practices,  
13          including, through the use of telecommunications,  
14          distance learning, site visits, and other means.

15          (i) COORDINATION WITH SCHOOL-TO-WORK PRO-  
16 GRAMS.—If a State has received Federal assistance for the  
17 purpose of planing for, expanding, or establishing a  
18 school-to-work program, then a State shall include in the  
19 State plan a description of how such school-to-work pro-  
20 gram will be incorporated into the school reform efforts  
21 of the State. In particular, the State plan shall include  
22 a description of how secondary schools will be modified  
23 in order to provide career guidance, the integration of aca-  
24 demic and vocational education, and work-based learning,

1 if such programs are proposed in the State's school-to-  
2 work plan.

3 (j) BENCHMARKS AND TIMELINES.—Each State plan  
4 shall include specific benchmarks of improved student per-  
5 formance and of progress in implementing the improve-  
6 ment plan, and timelines against which the progress of  
7 the State in carrying out its plan, including the elements  
8 described in subsections (c) through (h), can be measured.

9 (k) COORDINATING STRATEGIES.—Each State plan  
10 shall include strategies for coordinating the integration of  
11 academic and vocational instruction pursuant to the Carl  
12 D. Perkins Vocational and Applied Technology Education  
13 Act.

14 (l) PROGRAM IMPROVEMENT AND ACCOUNTABIL-  
15 ITY.—Each State shall describe—

16 (1) how the State will monitor progress towards  
17 implementing the State and local plans; and

18 (2) procedures the State will use to ensure  
19 schools and school districts meet State opportunity-  
20 to-learn and content standards within the estab-  
21 lished time lines.

22 (m) PEER REVIEW AND SECRETARIAL APPROVAL.—  
23 (1) The Secretary shall review each State improvement  
24 plan prepared under this section, and each application  
25 submitted under section 305, with the assistance and ad-

1 vice of State and local education policymakers, educators,  
2 classroom teachers, related services personnel, experts on  
3 educational innovation and improvement, parents, advo-  
4 cates for children with disabilities, representatives of other  
5 advocacy groups, and other appropriate individuals. The  
6 peer review process shall be performed by individuals rep-  
7 resentative of the diversity of the United States with re-  
8 gard to geography, race, ethnicity, gender, and disability.  
9 The review of each State plan shall include at least one  
10 site visit to each State.

11 (2) The Secretary shall approve a State's plan when  
12 the Secretary determines, after considering the peer re-  
13 viewers' comment, that it—

14 (A) reflects a widespread commitment within  
15 the State;

16 (B) holds reasonable promise of enabling all  
17 students to achieve at the high levels called for by  
18 this Act;

19 (C) meets the requirements of subsections (a)  
20 through (k); and

21 (D) allows local schools, local educational agen-  
22 cies and communities the flexibility to implement  
23 local improvement plans in a manner which reflects  
24 local needs and requirements in order to promote a  
25 'bottom up' system of school reform.

1       (3) The Secretary shall not decline to approve a  
2 State's plan, or any State application submitted under sec-  
3 tion 305, before offering the State—

4           (A) an opportunity to revise its plan or applica-  
5 tion; and

6           (B) a hearing.

7       (n) REGULAR REVIEW.—Each State plan shall in-  
8 clude a process for regularly reviewing and updating any  
9 State content, student performance, and opportunity-to-  
10 learn standards and assessment systems.

11       (o) AMENDMENTS TO PLAN.—(1) Each State shall  
12 periodically review its plan and revise it, as appropriate,  
13 in accordance with the process described in subsection (b).

14       (2) The Secretary shall review major amendments to  
15 a State's plan through the same process, described in sub-  
16 section (j), used to review the original plan.

17       (p) PREEXISTING STATE PLANS AND PANELS.—(1)  
18 If a State has developed a comprehensive and systemic  
19 improvement plan to help all students meet challenging  
20 standards, or any component of such a plan, that other-  
21 wise meets the requirements of this section, the Secretary  
22 may approve such plan or component notwithstanding that  
23 it was not developed in accordance with subsection (b),  
24 if the Secretary determines that such approval would fur-

1 ther the purposes of State systemic education improve-  
2 ment.

3 (2) If, before the enactment of this Act, a State has  
4 made substantial progress in developing a plan that other-  
5 wise meets, or is likely to meet, the requirements of this  
6 section, but was developed by a panel that does not meet  
7 the requirements of paragraphs (1), (2), and (3) of sub-  
8 section (b), the Secretary may, at the request of the Gov-  
9 ernor and the State educational agency, treat such panel  
10 as meeting the requirements of this title if the Secretary  
11 determines that there has been statewide involvement of  
12 educators, parents, students, advocacy groups, other inter-  
13 ested members of the public in the development of the  
14 plan.

15 **SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAY-**  
16 **MENTS.**

17 (a) FIRST YEAR.—The Secretary shall approve the  
18 initial year application of a State educational agency  
19 under section 305(b) if the Secretary determines that—

20 (1) such application meets the requirements of  
21 this title; and

22 (2) there is a substantial likelihood that the re-  
23 newal application of the State will be able to develop  
24 and implement an education improvement plan that  
25 complies with section 306.

1       (b) SECOND THROUGH FIFTH YEARS.—The Sec-  
2 retary shall approve a renewal application of a State edu-  
3 cational agency under section 305(c) for the second  
4 through fifth years only if—

5           (1)(A) the Secretary has approved the State's  
6 improvement plan under section 306(l); or

7           (B) the Secretary determines that the State has  
8 made substantial progress in developing such plan;  
9 and

10          (2) such application meets the other require-  
11 ments of this title.

12       (c) PAYMENTS.—For any fiscal year for which a  
13 State has an approved application under this title, the Sec-  
14 retary shall make a grant to the State educational agency  
15 in the amount determined under section 304(b).

16 **SEC. 308. STATE USE OF FUNDS.**

17       (a) FIRST YEAR.—In the first year for which a State  
18 educational agency receives a grant under this title, the  
19 State—

20           (1) shall use at least 75 percent of such funds  
21 to make subgrants, in accordance with section  
22 309(a), to local educational agencies for the develop-  
23 ment or implementation of local improvement plans  
24 and to make subgrants, in accordance with section  
25 309(b), to improve educator preservice programs

1 and for professional development activities consistent  
2 with the State plan, if the amount allocated to  
3 States under section 304(b) for such year is at least  
4 \$50,000,000. The State may use such funds for  
5 such subgrants if such amount is less than  
6 \$50,000,000; and

7 (2) shall use the remainder of such funds to de-  
8 velop, revise, expand, or implement an education im-  
9 provement plan described in section 306.

10 (b) SUCCEEDING YEARS.—A State that receives as-  
11 sistance under this title for any year after the first year  
12 of participation shall—

13 (1) use at least 90 percent of such assistance  
14 in each succeeding year to make subgrants—

15 (A) to local educational agencies, in ac-  
16 cordance with section 309(a), for the implemen-  
17 tation of the State improvement plan and of  
18 local improvement plans; and

19 (B) in accordance with section 309(b), to  
20 improve educator preservice programs and for  
21 professional development activities that are con-  
22 sistent with the State improvement plan; and

23 (2) use the remainder of such assistance for  
24 State activities designed to implement its improve-  
25 ment plan, such as—



1           (A) supporting the development or adop-  
2           tion of State content and student performance  
3           standards, State opportunity-to-learn standards,  
4           and assessments linked to the standards, in-  
5           cluding through consortia of States, and in con-  
6           junction with the National Education Standards  
7           and Improvement Council established under  
8           part B of title II of this Act;

9           (B) supporting the implementation of high-  
10          performance management and organizational  
11          strategies, such as site-based management,  
12          shared decisionmaking, or quality management  
13          principles, to promote effective implementation  
14          of such plan;

15          (C) supporting the development and imple-  
16          mentation, at the local educational agency and  
17          school building level, of improved human re-  
18          source development systems for recruiting, se-  
19          lecting, mentoring, supporting, evaluating, and  
20          rewarding educators;

21          (D) providing special attention to the  
22          needs of minority, limited-English proficient,  
23          disabled, and female students, including in-  
24          structional programs and activities that encour-  
25          age such students in elementary and secondary

1 schools to aspire to enter post secondary edu-  
2 cation or training;

3 (E) supporting the development, at the  
4 State or local level, of performance-based ac-  
5 countability and incentive systems for schools;

6 (F) outreach related to education improve-  
7 ment to parents, Indian tribal officials, class-  
8 room teachers, related services personnel, and  
9 other educators, and the public;

10 (G) providing technical assistance and  
11 other services to increase the capacity of local  
12 educational agencies and schools to develop and  
13 implement local systemic improvement plans,  
14 implement new assessments, and develop curric-  
15 ula consistent with the content and student per-  
16 formance standards of the State;

17 (H) promoting public magnet schools, pub-  
18 lic “charter schools”, and other mechanisms for  
19 increasing choice among public schools; and

20 (I) collecting and analyzing data.

21 (c) LIMIT ON ADMINISTRATIVE COSTS.—In each  
22 year, a State may use not more than four percent of its  
23 annual allotment under this title, or \$100,000, whichever  
24 is greater, for administrative expenses, not including the  
25 activities of the panel established under section 306(b)(1).

1 **SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFES-**  
2 **SIONAL DEVELOPMENT.**

3 (a) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
4 CIES.—(1)(A) Each State educational agency shall make  
5 subgrants to local educational agencies (or consortia of  
6 such agencies) consistent with subsections (a)(1) and  
7 (b)(1)(A) of section 308 through a competitive process.

8 (B) In making such subgrants, the State educational  
9 agency shall award not less than 1 subgrant in each fiscal  
10 year to an urban local educational agency and not less  
11 than 1 subgrant in each fiscal year to a rural local edu-  
12 cational agency, except that this provision shall not apply  
13 to the District of Columbia. Rural local educational agen-  
14 cies may include or be represented as a fiscal agent by  
15 an education service agency.

16 (C) Each subgrant shall be for a project of sufficient  
17 duration and of sufficient size, scope, and quality to carry  
18 out the purpose of this title effectively.

19 (2) A local educational agency wishing to receive a  
20 subgrant under this title for the purpose of developing a  
21 comprehensive local plan shall submit an application to the  
22 State educational agency. Such application shall contain  
23 assurances that the local educational agency intends to de-  
24 velop a plan that meets the requirements of this section.

25 (3) Each local educational agency wishing to receive  
26 a subgrant for the purpose of implementing a plan under

1 this subsection shall submit a local plan to the State edu-  
2 cational agency which—

3 (A) is developed by a broad-based panel that—

4 (i) is appointed by the local educational  
5 agency and is representative of the diversity of  
6 students and community with regard to race,  
7 language, ethnicity, gender, disability, and so-  
8 cioeconomic characteristics and includes teach-  
9 ers, parents, advocacy groups, school adminis-  
10 trators, business representatives, and others, as  
11 appropriate; and

12 (ii) shall, following the selection of its  
13 members, establish the procedures regarding  
14 the operation of the panel, including the des-  
15 ignation of the chairperson;

16 (B) includes a comprehensive local plan for dis-  
17 trictwide education improvement, directed at ena-  
18 bling all students to meet the challenging content  
19 and student performance standards of the State, in-  
20 cluding specific goals and benchmarks, consistent  
21 with the State improvement plan (either approved or  
22 under development) and includes a strategy for—

23 (i) implementing opportunity-to-learn  
24 standards;

25 (ii) improving teaching and learning;

1 (iii) improving governance and manage-  
2 ment;

3 (iv) generating and strengthening parental  
4 and community involvement; and

5 (v) expanding improvements throughout  
6 the local educational agency;

7 (C) promotes the flexibility of local schools in  
8 developing plans which address the particular needs  
9 of their school and community and are consistent  
10 with the local plan;

11 (D) describes a process of broad-based commu-  
12 nity participation in the development, implementa-  
13 tion, and evaluation of the local plan;

14 (E) describes how the local educational agency  
15 will encourage and assist schools to develop com-  
16 prehensive school improvement plans that focus on  
17 helping all students reach challenging content and  
18 student performance standards and that address rel-  
19 evant elements of the improvement plan of the local  
20 educational agency identified in subparagraph (B);

21 (F) describes how the local educational agency  
22 will implement specific programs aimed at ensuring  
23 improvements in school readiness and the ability of  
24 students to learn effectively at all grade levels by  
25 identifying the most pressing needs facing students

1 and their families with regard to social services,  
2 health care, nutrition, and child care, and by enter-  
3 ing into partnerships with public and private agen-  
4 cies to increase the access of students and families  
5 to coordinated services in a school setting or at a  
6 nearby site;

7 (G) describes how the subgrant will be used by  
8 the local educational agency, and the procedures to  
9 be used to make funds available to schools in accord-  
10 ance with paragraph (6)(A);

11 (H) identifies, with an explanation, any State  
12 or Federal requirements that the local educational  
13 agency believes impede educational improvement and  
14 that such local educational agency requests be  
15 waived in accordance with section 311 (such re-  
16 quests shall promptly be transmitted to the Sec-  
17 retary by the State educational agency); and

18 (I) contains such other information as the State  
19 educational agency may reasonably require.

20 (4) A local educational agency which has approved  
21 a local plan shall submit such plan to the State for ap-  
22 proval together with a description of modifications to such  
23 plan and any comments from the local panel regarding  
24 such plan.

1       (5) The panel appointed under paragraph (3)(A)  
2 shall, after approval by the State educational agency of  
3 the application of the local educational agency, monitor  
4 the implementation and effectiveness of the local improve-  
5 ment plan in close consultation with teachers, related serv-  
6 ices personnel, principals, administrators, community  
7 members, and parents from schools receiving funds under  
8 this title, to determine if revisions to the local plan should  
9 be recommended to the local educational agency. The  
10 panel shall make public its findings.

11       (6)(A) A local educational agency that receives a  
12 subgrant under this subsection shall—

13           (i) in the first year, use not more than 25 per-  
14 cent of subgrant funds to develop a local improve-  
15 ment plan or to implement any local educational ac-  
16 tivities approved by the State educational agency  
17 which are reasonably related to carrying out the  
18 State or local improvement plans, and not less than  
19 75 percent of such funds to support individual  
20 school improvement initiatives directly related to  
21 providing all students in the school the opportunity  
22 to meet challenging State content and student per-  
23 formance standards; and

24           (ii) in subsequent years, use subgrant funds for  
25 any activities approved by the State educational

1       agency which are reasonably related to carrying out  
2       the State or local improvement plans, except that at  
3       least 85 percent of such funds shall be made avail-  
4       able to individual schools to develop and implement  
5       comprehensive school improvement plans which are  
6       tailored to meet the needs of their particular student  
7       populations and are designed to help all students  
8       meet challenging State content standards.

9       (B) At least 50 percent of the funds made available  
10      by a local educational agency to individual schools under  
11      this section in any fiscal year shall be made available to  
12      schools with a special need for such assistance, as indi-  
13      cated by a high number or percentage of students from  
14      low-income families, low student achievement, or other  
15      similar criteria developed by the local educational agency.

16      (C) A local educational agency may not use more  
17      than five percent of its annual allotment under this Act  
18      for administrative expenses.

19      (7) The State educational agency shall give priority  
20      in awarding a subgrant to—

21              (A) a consortium of local educational agencies;

22              or

23              (B) a local educational agency that makes as-  
24      surances that funds will be used to assist a consor-



1       tium of schools that has developed a plan for school  
2       improvement.

3       (b) SUBGRANTS FOR PRESERVICE TEACHER EDU-  
4       CATION AND PROFESSIONAL DEVELOPMENT ACTIVI-  
5       TIES.—(1)(A) Each State educational agency shall make  
6       subgrants to consortia of local educational agencies, insti-  
7       tutions of higher education, private nonprofit organiza-  
8       tions, or combinations thereof, consistent with subsections  
9       (a)(1) and (b)(1) of section 308 through a competitive,  
10      peer-reviewed process to—

11           (i) improve preservice teacher education pro-  
12           grams consistent with the State plan, including how  
13           to work effectively with parents and the community;  
14           and

15           (ii) support continuing, sustained professional  
16           development activities for educators which will in-  
17           crease student learning and are consistent with the  
18           State plan.

19       (B)(i) In order to apply for a subgrant described in  
20      subparagraph (A)(i), a consortium must include at least  
21      one local educational agency and at least one institution  
22      of higher education.

23       (ii) In order to apply for a subgrant described in sub-  
24      paragraph (A)(ii), a consortium must include at least one  
25      local educational agency.

1       (2) A consortium that wishes to receive a subgrant  
2 under this subsection shall submit an application to the  
3 State educational agency which—

4           (A) describes how the applicant will use the  
5 subgrant to improve teacher preservice and school  
6 administrator education programs or to implement  
7 educator professional development activities consist-  
8 ent with the State plan;

9           (B) identifies the criteria to be used by the ap-  
10 plicant to judge improvements in preservice edu-  
11 cation or the effects of professional development ac-  
12 tivities consistent with the State plan; and

13           (C) contains any other information that the  
14 State educational agency determines is appropriate.

15       (3) A recipient of a subgrant under this subsection  
16 shall use the subgrant funds for activities supporting—

17           (A) the improvement of preservice teacher edu-  
18 cation and school administrator programs so that  
19 such programs equip educators with the subject  
20 matter and pedagogical expertise necessary for pre-  
21 paring all students to meet challenging standards; or

22           (B) the development and implementation of new  
23 and improved forms of continuing and sustained  
24 professional development opportunities for teachers,  
25 principals, and other educators at the school or dis-

1        trict level that equip educators with such expertise,  
2        and with other knowledge and skills necessary for  
3        leading and participating in continuous education  
4        improvement.

5        (4) A recipient may use the subgrant funds under  
6        this subsection for costs related to release time for teach-  
7        ers to participate in professional development activities.

8        (5) Professional development shall include related  
9        services personnel as appropriate.

10       (6) In awarding subgrants under this subsection, the  
11       State educational agency shall give priority to local edu-  
12       cational agencies that form partnerships with collegiate  
13       educators to establish professional development school  
14       sites.

15       (c) SPECIAL AWARD RULE.—(1) Each State edu-  
16       cational agency shall award at least 50 percent of  
17       subgrant funds under subsection (a) in each fiscal year  
18       to local educational agencies that have a greater percent-  
19       age or number of disadvantaged children than the state-  
20       wide average percentage or number for all local edu-  
21       cational agencies in the State.

22       (2) The State educational agency may waive the re-  
23       quirement of paragraph (1) if such State does not receive  
24       a sufficient number of applications to comply with such  
25       requirement.

1 **SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.**

2 (a) INFORMATION AND TRAINING.—Proportionate to  
3 the number of children in a State or in a local educational  
4 agency who are enrolled in private elementary or second-  
5 ary schools—

6 (1) a State educational agency or local edu-  
7 cational agency which uses funds under this title to  
8 develop goals, content standards, curricular mate-  
9 rials, and assessments shall, upon request, make in-  
10 formation related to such goals, standards, mate-  
11 rials, and assessments available to private schools;  
12 and

13 (2) a State educational agency or local edu-  
14 cational agency which uses funds under this title for  
15 teacher and administrator training shall provide in  
16 its plan for the training of teachers and administra-  
17 tors in private schools located in the geographical  
18 area served by such agency.

19 (b) WAIVER.—If, by reason of any provision of law,  
20 a State or local educational agency is prohibited from pro-  
21 viding for the equitable participation of teachers and ad-  
22 ministrators from private schools in training programs as-  
23 sisted with Federal funds provided under this title, or if  
24 the Secretary determines that a State or local educational  
25 agency has substantially failed or is unwilling to provide  
26 for such participation, the Secretary shall waive such re-

1 quirements and shall arrange for the provision of training  
2 consistent with State goals and content standards for such  
3 teachers and administrators. Such waivers shall be subject  
4 to consultation, withholding, notice, and judicial review in  
5 accordance with section 1017 of the Elementary and  
6 Secondary Education Act of 1965.

7 **SEC. 311. WAIVERS OF STATUTORY AND REGULATORY RE-**  
8 **QUIREMENTS.**

9 (a) GENERAL.—(1) Except as provided in subsection  
10 (c), the Secretary may waive any requirement of any stat-  
11 ute listed in subsection (b) or of the regulations issued  
12 under such statute for a State educational agency, local  
13 educational agency, or school that requests such a waiv-  
14 er—

15 (A) if, and only to the extent that, the Sec-  
16 retary determines that such requirement impedes the  
17 ability of the State, or of a local educational agency  
18 or school in the State, to carry out the State or local  
19 education improvement plan;

20 (B) if the State educational agency has waived,  
21 or agrees to waive, similar requirements of State  
22 law; and

23 (C) if, in the case of a Statewide waiver, the  
24 State educational agency—

1           (i) provides all local educational agencies  
2           and parent organizations in the State with no-  
3           tice and an opportunity to comment on the pro-  
4           posal of the State educational agency to seek a  
5           waiver; and

6           (ii) submits the comments of such agencies  
7           to the Secretary.

8       (2) To request a waiver, a State educational agency,  
9       local educational agency, or school that receives funds  
10      under this Act or a local educational agency that does not  
11      receive funds under this Act but is undertaking school re-  
12      form efforts that meet the objectives of the State plan,  
13      shall submit an application to the Secretary that in-  
14      cludes—

15           (A) the identification of statutory or regulatory  
16           requirements that are requested to be waived and  
17           the goals that the State local educational agency or  
18           school intends to achieve;

19           (B) a description of the action that the State  
20           has undertaken to remove State statutory or regu-  
21           latory barriers identified in the applications of local  
22           educational agencies;

23           (C) a description of the goals of the waiver and  
24           the expected programmatic outcomes if the request  
25           is granted;

1 (D) the numbers and types of students to be  
2 impacted by such waiver;

3 (E) a timetable for implementing a waiver; and

4 (F) the process the State will use to monitor,  
5 on a biannual basis, the progress in implementing a  
6 waiver.

7 (3) The Secretary shall act promptly on a waiver re-  
8 quest and state in writing the reasons for granting or de-  
9 nying such request. If a waiver is granted, the Secretary  
10 must also include the expected outcome of granting such  
11 waiver.

12 (4) The Secretary's decision shall be—

13 (A) published in the Federal Register; and

14 (B) disseminated by the State educational agen-  
15 cy to interested parties, including educators, par-  
16 ents, students, advocacy and civil rights organiza-  
17 tions, other interested parties, and the public.

18 (5) Each such waiver shall be for a period not to ex-  
19 ceed three years. The Secretary may extend such period  
20 if the Secretary determines that the waiver has been effec-  
21 tive in enabling the State or affected local educational  
22 agencies to carry out reform plans.

23 (b) INCLUDED PROGRAMS.—The statutes subject to  
24 the waiver authority of this section are as follows:

1           (1) Chapter 1 of title I of the Elementary and  
2       Secondary Education Act of 1965.

3           (2) Part A of chapter 2 of title I of the Elemen-  
4       tary and Secondary Education Act of 1965.

5           (3) The Dwight D. Eisenhower Mathematics  
6       and Science Education Act (part A of title II of the  
7       Elementary and Secondary Education Act of 1965).

8           (4) The Emergency Immigrant Education Act  
9       of 1984 (part D of title IV of the Elementary and  
10      Secondary Education Act of 1965).

11          (5) The Drug-Free Schools and Communities  
12      Act of 1986 (title V of the Elementary and Second-  
13      ary Education Act of 1965).

14          (6) The Carl D. Perkins Vocational and Applied  
15      Technology Education Act.

16      (c) WAIVERS NOT AUTHORIZED.—The Secretary  
17   may not waive any statutory or regulatory requirement of  
18   the programs listed in subsection (b) relating to—

19          (1) maintenance of effort;

20          (2) comparability of services;

21          (3) the equitable participation of students and  
22      professional staff in private schools;

23          (4) parental participation and involvement; or

24          (5) the distribution of funds to State or to local  
25      educational agencies.



1 (d) TERMINATION OF WAIVERS.—The Secretary  
2 shall periodically review the performance of any State,  
3 local educational agency, or school for which the Secretary  
4 has granted a waiver and shall terminate the waiver if the  
5 performance of the State, the local educational agency, or  
6 the school in the area affected by the waiver has been in-  
7 adequate to justify a continuation of the waiver.

8 **SEC. 312. PROGRESS REPORTS.**

9 (a) STATE REPORTS TO THE SECRETARY.—Each  
10 State educational agency that receives funds under this  
11 title shall annually report to the Secretary regarding—

12 (1) progress in meeting State goals and plans;

13 (2) proposed State activities for the succeeding  
14 year; and

15 (3) in summary form, the progress of local edu-  
16 cational agencies in meeting local goals and plans  
17 and increasing student learning.

18 (b) SECRETARY'S REPORTS TO CONGRESS.—By  
19 April 30, 1996, and every two years thereafter, the Sec-  
20 retary shall submit a report to the Committee on Edu-  
21 cation and Labor of the House of Representatives and the  
22 Committee on Labor and Human Resources of the Senate  
23 describing the activities and outcomes of grants under—

24 (1) section 220 of this Act, including—

1 (A) a description of the purpose, uses, and  
2 technical merit of assessments evaluated with  
3 funds under such section; and

4 (B) an analysis of the impact of such as-  
5 sessments on the performance of all students,  
6 particularly students of different racial, gender,  
7 ethnic, language groups, or individuals with dis-  
8 abilities; and

9 (2) this title, including a description of the ef-  
10 fect of waivers granted under section 311.

11 **SEC. 313. NATIONAL LEADERSHIP.**

12 (a) ACTIVITIES AUTHORIZED.—From funds reserved  
13 each year under section 304(a)(2)(A), the Secretary shall,  
14 through the Office of Educational Research and Improve-  
15 ment in accordance with the provisions of sections 405 and  
16 406 of the General Education Provisions Act, directly or  
17 through grants or contracts—

18 (1) provide technical assistance to States and  
19 local educational agencies developing or implement-  
20 ing school improvement plans, in a manner that en-  
21 sures that each such State has access to such assist-  
22 ance;

23 (2) gather data on, conduct research on, and  
24 evaluate systemic education improvement, including  
25 the programs authorized by this title;

1           (3) disseminate research findings and other in-  
2           formation on systemic education improvement and  
3           how it affects student learning;

4           (4) provide grants to tribal divisions of edu-  
5           cation for coordination efforts between school reform  
6           plans developed for schools funded by the Bureau of  
7           Indian Affairs and public schools described in sec-  
8           tion 306(g)(5), including tribal activities in support  
9           of plans; and

10          (5) support national demonstration projects  
11          that unite local and State educational agencies, in-  
12          stitutions of higher education, government, business,  
13          and labor in collaborative arrangements in order to  
14          make educational improvements systemwide.

15          (b) RESERVATION OF FUNDS.—(1) The Secretary  
16          shall use at least 50 percent of the funds reserved each  
17          year under section 304(a)(2)(A) to make grants, consist-  
18          ent with the provisions of section 309(a) that the Sec-  
19          retary finds appropriate, and provide technical and other  
20          assistance to urban and rural local educational agencies  
21          with large numbers or concentrations of students who are  
22          economically disadvantaged or who have limited English  
23          proficiency, to assist such agencies in developing and im-  
24          plementing local school improvement plans.

1       (2) The Secretary shall use not less than \$1,000,000  
2 of the funds reserved the first year under section  
3 304(a)(2)(A) to survey coordinated services programs that  
4 have been found to be successful in helping students and  
5 families and improving student outcomes, and shall dis-  
6 seminate information about such programs to schools that  
7 plan to develop coordinated services programs.

8       **SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO**  
9                               **THE SECRETARY OF THE INTERIOR.**

10       (a) OUTLYING AREAS.—(1) Funds reserved for outly-  
11 ing areas under section 304(a)(1)(A) shall be distributed  
12 among such areas by the Secretary according to relative  
13 need.

14       (2) The provisions of Public Law 95–134, permitting  
15 the consolidation of grants to the insular areas, shall not  
16 apply to funds received by such areas under this title.

17       (b) SECRETARY OF THE INTERIOR.—

18               (1) IN GENERAL.—The funds reserved to the  
19 Secretary of the Interior under section 304 shall be  
20 made in a payment which shall be pursuant to an  
21 agreement between the Secretary and the Secretary  
22 of the Interior containing such assurances and terms  
23 as the Secretary determines shall best achieve the  
24 provisions of this section and this Act. The agree-

1       ment shall, at a minimum, contain assurances  
2       that—

3               (A) a panel, as set forth in paragraph (4)  
4       of this subsection, shall be established;

5               (B) a reform and improvement plan, de-  
6       signed to increase student learning and assist  
7       students in meeting the National Education  
8       Goals, meeting the requirements pertaining to  
9       State improvement plans required in section  
10      306 and providing for the fundamental restruc-  
11     turing and improvement of elementary and sec-  
12     ondary education in schools funded by the Bu-  
13     reau, shall be developed by such panel; and

14              (C) the provisions and activities required  
15     under State improvement plans, including the  
16     requirements for timetables for opportunity-to-  
17     learn standards, shall be carried out in the  
18     same time frames and under the same condi-  
19     tions stipulated for the States in sections 305  
20     and 306, provided that for these purposes, the  
21     term ‘local educational agencies’ shall be inter-  
22     preted to mean ‘schools funded by the Bureau’.

23              (2) VOLUNTARY SUBMISSION.—The provisions  
24     applicable to the States in section 213 of this Act  
25     shall apply to the Bureau plan with regard to vol-

1       untary submission of standards and assessment sys-  
2       tems to the National Education Standards and  
3       Improvement Council for review and certification.

4           (3) PLAN SPECIFICS.—The reform and im-  
5       provement plan shall include, in addition to the re-  
6       quirements referenced above, specific provisions  
7       for—

8           (A) opportunity to learn standards pertain-  
9       ing to residential programs and transportation  
10      costs associated with programs located on or  
11      near reservations or serving students in off-res-  
12      ervation residential boarding schools;

13          (B) review and incorporation of the Na-  
14      tional Education Goals and the voluntary na-  
15      tional content, student performance, and oppor-  
16      tunity-to-learn standards developed under part  
17      B of title II of this Act, provided that such re-  
18      view shall include the issues of cultural and lan-  
19      guage differences; and

20          (C) provision for coordination of the efforts  
21      of the Bureau with the efforts for school im-  
22      provement of the States and local educational  
23      agencies in which the schools funded by the Bu-  
24      reau are located, to include, but not be limited

1 to, the development of the partnerships outlined  
2 in section 306(g)(5) of the Act.

3 (4) PANEL.—To carry out the provisions of this  
4 section, and to develop the plan for system-wide re-  
5 form and improvement required under the agree-  
6 ment required under paragraph (1), the Secretary of  
7 the Interior shall establish a panel coordinated by  
8 the Assistant Secretary of the Interior for Indian  
9 Affairs. Such panel shall consist of—

10 (A) the Director of the Office of Indian  
11 Education Programs of the Bureau of Indian  
12 Affairs and two heads of other divisions of such  
13 Bureau as the Assistant Secretary shall des-  
14 ignate;

15 (B) a designee of the Secretary of Edu-  
16 cation; and

17 (C) a representative nominated by each of  
18 the following:

19 (i) The organization representing the  
20 majority of teachers and professional per-  
21 sonnel in schools operated by the Bureau.

22 (ii) The organization representing the  
23 majority of nonteaching personnel in  
24 schools operated by the Bureau, if not the  
25 same organization as in clause (i).

1 (iii) School administrators of schools  
2 operated by the Bureau.

3 (iv) Education line officers located in  
4 Bureau area or agency offices serving  
5 schools funded by the Bureau.

6 (v) The organization representing the  
7 majority of contract or grant schools fund-  
8 ed by the Bureau not serving students on  
9 the Navajo reservation.

10 (vi) The organization representing the  
11 majority of contract or grant schools fund-  
12 ed by the Bureau serving students on the  
13 Navajo reservation.

14 (vii) The organization representing  
15 the school boards required by statute for  
16 schools operated by the Bureau not serving  
17 students on the Navajo reservation.

18 (viii) The organization representing  
19 the school boards required by statute for  
20 schools funded by the Bureau serving stu-  
21 dents on the Navajo reservation.

22 Including the additional members required by para-  
23 graph (5), a majority of the members of such panel  
24 shall be from the entities designated under subpara-  
25 graph (C).



1           (5) ADDITIONAL MEMBERS.—In addition, the  
2       members of the panel stipulated above shall des-  
3       ignate for full membership four additional mem-  
4       bers—

5           (A) one of whom shall be a representative  
6       of a national organization which represents pri-  
7       marily national Indian education concerns; and

8           (B) three of whom shall be chairpersons  
9       (or their designees) of Indian tribes with  
10      schools funded by the Bureau on their reserva-  
11      tions (other than those specifically represented  
12      by organizations referred to in paragraph (4)),  
13      provided that preference for no less than two of  
14      these members shall be given to Indian tribes  
15      with a significant number of schools funded by  
16      the Bureau on their reservations, or with a sig-  
17      nificant percentage of their children enrolled in  
18      schools funded by the Bureau.

19       (c) BIA COST ANALYSIS.—

20           (1) IN GENERAL.—(A) The Secretary of the In-  
21      terior shall reserve from the first allotment made to  
22      the Department of the Interior pursuant to section  
23      304 an amount not to exceed \$500,000 to provide,  
24      through the National Academy of Sciences, for an  
25      analysis of the costs associated with meeting the

1 academic and home-living/residential standards of  
2 the Bureau of Indian Affairs for each school funded  
3 by such Bureau. The purpose of such analysis shall  
4 be to provide the Bureau and the Panel with base-  
5 line data regarding the current state of operations  
6 funded by the Bureau and to provide a framework  
7 for addressing the implementation of opportunity-to-  
8 learn standards.

9 (B) The results of such analysis shall be re-  
10 ported, in aggregate and school specific form, to the  
11 chairpersons and ranking minority members of the  
12 Committees on Education and Labor and Appropria-  
13 tions of the House of Representatives and the Select  
14 Committee on Indian Affairs and the Committee on  
15 Appropriations of the Senate, and to the Secretary  
16 of the Interior, the Secretary of Education (who  
17 shall transmit the report to the proper entities under  
18 this Act), and the Assistant Secretary of the Interior  
19 for Indian Affairs, not later than 6 months after the  
20 date of enactment of this Act.

21 (2) CONTENT.—Such analysis shall evaluate the  
22 costs of providing a program in each school for the  
23 next succeeding academic year and shall be based  
24 on—

1 (A) the standards either published in the  
2 Federal Register as having effect in schools op-  
3 erated by the Bureau on the date of enactment  
4 of this Act or the standards incorporated into  
5 each grant or contract in effect on such date  
6 with a tribally controlled school funded under  
7 section 1128 of Public Law 95–561 (as amend-  
8 ed);

9 (B) the best projections of student counts  
10 and demographics, as provided by the Bureau  
11 and as independently reviewed by the Academy;  
12 and

13 (C) the pay and benefit schedules and  
14 other personnel requirements for each school  
15 operated by the Bureau, as existing on the date  
16 of enactment.

17 (d) SECRETARY OF DEFENSE.—The Secretary shall  
18 consult with the Secretary of Defense to ensure that, to  
19 the extent practicable, the purposes of this title are applied  
20 to the Department of Defense schools.

## 21 **TITLE IV—NATIONAL SKILL** 22 **STANDARDS BOARD**

### 23 **SEC. 401. PURPOSE.**

24 It is the purpose of this title to establish a National  
25 Board to serve as a catalyst in stimulating the develop-

1 ment and adoption of a voluntary national system of skill  
2 standards and certification that will serve as a cornerstone  
3 of the national strategy to enhance workforce skills, and  
4 that can be used, consistent with Federal civil rights  
5 laws—

6           (1) by the Nation, to ensure the development of  
7 a high skills, high quality, high performance  
8 workforce, including the most skilled front-line  
9 workforce in the world, and that will result in in-  
10 creased productivity, economic growth and American  
11 economic competitiveness;

12           (2) by industries, as a vehicle for informing  
13 training providers and prospective employees of  
14 skills necessary for employment;

15           (3) by employers, to assist in evaluating the  
16 skill levels of prospective employees and to assist in  
17 the training of current employees;

18           (4) by labor organizations, to enhance the em-  
19 ployment security of workers by providing portable  
20 credentials and skills;

21           (5) by workers, to obtain certifications of their  
22 skills to protect against dislocation, to pursue career  
23 advancement, and to enhance their ability to reenter  
24 the workforce;

1           (6) by students and entry level workers, to de-  
2       termine the skill levels and competencies needed to  
3       be obtained in order to compete effectively for high  
4       wage jobs;

5           (7) by training providers and educators, to de-  
6       termine appropriate training services to offer;

7           (8) by Government, to evaluate whether pub-  
8       licly-funded training assists participants to meet  
9       skill standards where they exist and thereby protect  
10      the integrity of public expenditures;

11          (9) to facilitate the transition to high perform-  
12      ance work organizations;

13          (10) to increase opportunities for minorities  
14      and women, including removing barriers to the entry  
15      of women in non-traditional employment; and

16          (11) to facilitate linkages between other compo-  
17      nents of the workforce investment strategy, includ-  
18      ing school-to-work transition, secondary and post-  
19      secondary vocational-technical education, and job  
20      training programs.

21   **SEC. 402. ESTABLISHMENT OF NATIONAL BOARD.**

22          (a) IN GENERAL.—There is established a National  
23      Skill Standards Board (in this title referred to as the  
24      “National Board”).

25          (b) COMPOSITION.—

1           (1) IN GENERAL.—The National Board shall be  
2       composed of 28 members, appointed in accordance  
3       with paragraph (3), of whom—

4           (A) one member shall be the Secretary of  
5       Labor;

6           (B) one member shall be the Secretary of  
7       Education;

8           (C) one member shall be the Secretary of  
9       Commerce;

10          (D) one member shall be the Chairperson  
11       of the National Education Standards and Im-  
12       provement Council established pursuant to sec-  
13       tion 212(a);

14          (E) eight members shall be representatives  
15       of small and large business and industry se-  
16       lected from among individuals recommended by  
17       recognized national business organizations and  
18       trade associations;

19          (F) eight members shall be representatives  
20       of organized labor selected from among individ-  
21       uals recommended by recognized national labor  
22       federations; and

23          (G) eight members shall be representatives  
24       from the following groups, with at least one  
25       member from each group:

- 1 (i) Educational institutions.
- 2 (ii) Community-based organizations.
- 3 (iii) State and local governments.
- 4 (iv) Nongovernmental organizations
- 5 with a demonstrated history of successfully
- 6 protecting the rights of racial, ethnic and
- 7 religious minorities, women, persons with
- 8 disabilities or older persons.

9 (2) DIVERSITY REQUIREMENTS.—The members  
10 described in subparagraph (G) of paragraph (1)  
11 shall have expertise in the area of education and  
12 training. The members described in subparagraphs  
13 (E), (F), and (G) of paragraph (1) shall—

14 (A) in the aggregate, represent a broad  
15 cross-section of occupations and industries; and

16 (B) to the extent feasible, be geographi-  
17 cally representative of the United States and re-  
18 flect the racial, ethnic and gender diversity of  
19 the United States.

20 (3) APPOINTMENT.—The membership of the  
21 National Board shall be appointed as follows:

22 (A) Twelve members (four from each class  
23 of members described in subparagraphs (E),  
24 (F), and (G) of paragraph (1)) shall be ap-  
25 pointed by the President.

1 (B) Six members (two from each class of  
2 members described in subparagraphs (E), (F),  
3 and (G) of paragraph (1)) shall be appointed by  
4 the Speaker of the House of Representatives, of  
5 whom three members (one from each class of  
6 members described in subparagraphs (E), (F),  
7 and (G) of paragraph (1)) shall be selected  
8 from recommendations made by the Majority  
9 Leader of the House of Representatives and  
10 three members (one from each class of members  
11 described in subparagraphs (E), (F), and (G) of  
12 paragraph (1)) shall be selected from rec-  
13 ommendations made by the Minority Leader of  
14 the House of Representatives.

15 (C) Six members (two from each class of  
16 members described in subparagraphs (E), (F),  
17 and (G) of paragraph (1)) shall be appointed by  
18 the President pro tempore of the Senate, of  
19 whom three members (one from each class of  
20 members described in subparagraphs (E), (F),  
21 and (G) of paragraph (1)) shall be selected  
22 from recommendations made by the Majority  
23 Leader of the Senate and three members (one  
24 from each class of members described in sub-  
25 paragraphs (E), (F), and (G) of paragraph (1))



1           shall be selected from recommendations made  
2           by the Minority Leader of the Senate.

3           (4) TERM.—Each member of the National  
4       Board appointed under subparagraphs (E), (F), and  
5       (G) of paragraph (1) shall be appointed for a term  
6       of 4 years, except that of the initial members of the  
7       Board appointed under such paragraph—

8           (A) twelve members shall be appointed for  
9           a term of 3 years (four from each class of mem-  
10          bers described in subparagraphs (E), (F), and  
11          (G) of paragraph (1)), of whom—

12               (i) two from each class shall be ap-  
13               pointed in accordance with paragraph  
14               (3)(A);

15               (ii) one from each such class shall be  
16               appointed in accordance with paragraph  
17               (3)(B); and

18               (iii) 1 from each such class shall be  
19               appointed in accordance with paragraph  
20               (3)(C); and

21           (B) twelve members shall be appointed for  
22           a term of 4 years (four from each class of mem-  
23           bers described in subparagraphs (E), (F), and  
24           (G) of paragraph (1)), of whom—

1 (i) two from each such class shall be  
2 appointed in accordance with paragraph  
3 (3)(A);

4 (ii) one from each such class shall be  
5 appointed in accordance with paragraph  
6 (3)(B); and

7 (iii) one from each such class shall be  
8 appointed in accordance with paragraph  
9 (3)(C).

10 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—

11 (1) CHAIRPERSON.—The National Board shall  
12 biennially elect a Chairperson from among the mem-  
13 bers of the National Board by a majority vote of  
14 such members.

15 (2) VICE CHAIRPERSONS.—The National Board  
16 shall annually elect 3 Vice Chairpersons (each rep-  
17 resenting a different class of the classes of members  
18 described in subparagraphs (E), (F), and (G) of  
19 subsection (b)(1)) from among its members ap-  
20 pointed under subsection (b)(3) by a majority vote  
21 of such members, each of whom shall serve for a  
22 term of 1 year.

23 (d) COMPENSATION AND EXPENSES.—

24 (1) COMPENSATION.—Members of the National  
25 Board who are not regular full-time employees or of-

1        ficers of the Federal Government shall serve without  
2        compensation.

3            (2) EXPENSES.—The members of the National  
4        Board shall receive travel expenses, including per  
5        diem in lieu of subsistence, in accordance with sub-  
6        chapter I of chapter 57, title 5, United States Code,  
7        while away from their homes or regular places of  
8        business in the performance of services for the Na-  
9        tional Board.

10        (e) EXECUTIVE DIRECTOR AND STAFF.—The Chair-  
11        person of the National Board shall appoint an Executive  
12        Director, who shall be compensated at a rate determined  
13        by the National Board that shall not exceed the rate of  
14        pay for level V of the Executive Schedule under section  
15        5316 of title 5, United States Code, and who shall appoint  
16        such staff as is necessary in accordance with title 5, Unit-  
17        ed States Code. Such staff shall include at least one indi-  
18        vidual with expertise in measurement and assessment.

19        (f) AGENCY SUPPORT.—

20            (1) USE OF FACILITIES.—The National Board  
21        may use the research, equipment, services and facili-  
22        ties of any agency or instrumentality of the United  
23        States with the consent of such agency or instru-  
24        mentality.

1           (2) STAFF OF FEDERAL AGENCIES.—Upon the  
2       request of the National Board, the head of any de-  
3       partment or agency of the United States may detail  
4       to the National Board, on a reimbursable basis, any  
5       of the personnel of such department or agency to as-  
6       sist the National Board in carrying out this title.

7       (g) CONFLICT OF INTEREST.—An individual who has  
8       served as a member of the National Board may not have  
9       any financial interest in an assessment and certification  
10      system developed or endorsed under this title for a period  
11      of three years after the termination of service of such indi-  
12      vidual from the National Board.

13   **SEC. 403. FUNCTIONS OF THE NATIONAL BOARD.**

14      (a) IDENTIFICATION OF OCCUPATIONAL CLUS-  
15      TERS.—

16           (1) IN GENERAL.—Subject to paragraph (2),  
17      the National Board, after extensive public review  
18      and comment and study of the national labor mar-  
19      ket, shall identify broad clusters of major occupa-  
20      tions that involve one or more than one industry in  
21      the United States.

22           (2) PROCEDURES FOR IDENTIFICATION.—Prior  
23      to identifying broad clusters of major occupations  
24      under paragraph (1), the National Board shall—

1 (A) develop procedures for the identifica-  
2 tion of such clusters;

3 (B) publish such procedures in the Federal  
4 Register; and

5 (C) allow for extensive public review of and  
6 comment on such procedures.

7 (b) VOLUNTARY PARTNERSHIPS TO DEVELOP  
8 STANDARDS.—

9 (1) IN GENERAL.—For each of the occupational  
10 clusters identified pursuant to subsection (a), the  
11 National Board shall encourage and facilitate the es-  
12 tablishment of voluntary partnerships to develop a  
13 skill standards system in accordance with subsection  
14 (d).

15 (2) REPRESENTATIVES.—Such voluntary part-  
16 nerships shall include the full and balanced partici-  
17 pation of—

18 (A) representatives of business and indus-  
19 try who have expertise in the area of workforce  
20 skill requirements, including representatives of  
21 large and small employers, recommended by na-  
22 tional business organizations and trade associa-  
23 tions representing employers in the occupation  
24 or industry for which a standard is being devel-  
25 oped, and representatives of trade associations

1           that have received demonstration grants from  
2           the Department of Labor or the Department of  
3           Education to establish skill standards prior to  
4           the enactment of this title;

5           (B) employee representatives who have ex-  
6           pertise in the area of workforce skill require-  
7           ments and who shall be—

8                   (i) individuals recommended by recog-  
9                   nized national labor organizations rep-  
10                  resenting employees in the occupation or  
11                  industry for which a standard is being de-  
12                  veloped; and

13                  (ii) such other individuals who are  
14                  nonmanagerial employees with significant  
15                  experience and tenure in such occupation  
16                  or industry as are appropriate given the  
17                  nature and structure of employment in the  
18                  occupation or industry;

19           (C) representatives of—

20                   (i) educational institutions;

21                   (ii) community-based organizations;

22                   (iii) State and local agencies with ad-  
23                  ministrative control or direction over edu-  
24                  cation, vocational-technical education, or  
25                  employment and training;

1 (iv) other policy development organi-  
2 zations with expertise in the area of  
3 workforce skill requirements; and

4 (v) non-governmental organizations  
5 with a demonstrated history of successfully  
6 protecting the rights of racial, ethnic, and  
7 religious minorities, women, individuals  
8 with disabilities, and older persons; and

9 (D) individuals with expertise in measure-  
10 ment and assessment, including relevant experi-  
11 ence in designing unbiased assessments and  
12 performance-based assessments.

13 (3) EXPERTS.—The partnerships described in  
14 paragraph (1) may also include such other individ-  
15 uals who are independent, qualified experts in their  
16 fields.

17 (c) RESEARCH, DISSEMINATION, AND COORDINA-  
18 TION.—In order to support the development of a skill  
19 standards system in accordance with subsection (d), the  
20 National Board shall—

21 (1) conduct workforce research relating to skill  
22 standards (including research relating to how to use  
23 skill standards in compliance with civil rights laws)  
24 and make such research available to the public, in-  
25 cluding the partnerships described in subsection (b);

1           (2) identify and maintain a catalog of skill  
2 standards used by other countries and by States and  
3 leading firms and industries in the United States;

4           (3) serve as a clearinghouse to facilitate the  
5 sharing of information on the development of skill  
6 standards and other relevant information among  
7 representatives of occupations and industries identi-  
8 fied pursuant to subsection (a), the voluntary part-  
9 nerships recognized pursuant to subsection (b), and  
10 among education and training providers through  
11 such mechanisms as the Capacity Building and In-  
12 formation and Dissemination Network established  
13 under section 453(b) of the Job Training Partner-  
14 ship Act;

15           (4) develop a common nomenclature relating to  
16 skill standards;

17           (5) encourage the development and adoption of  
18 curricula and training materials for attaining the  
19 skill standards developed pursuant to subsection (d)  
20 that include structured work experiences and related  
21 study programs leading to progressive levels of pro-  
22 fessional and technical certification and postsecond-  
23 ary education;

24           (6) provide appropriate technical assistance;  
25 and



1           (7) facilitate coordination among voluntary  
2       partnerships that meet the requirements of sub-  
3       section (b) to promote the development of a coherent  
4       national system of voluntary skill standards.

5       (d) ENDORSEMENT OF SKILL STANDARDS SYS-  
6       TEMS.—

7           (1) DEVELOPMENT OF ENDORSEMENT CRI-  
8       TERIA.—

9           (A) IN GENERAL.—The National Board,  
10       after extensive public consultation, shall develop  
11       objective criteria for endorsing skills standards  
12       systems relating to the occupational clusters  
13       identified pursuant to subsection (a). Such cri-  
14       teria shall, at a minimum, include the compo-  
15       nents of a skill standards system described in  
16       subparagraph (B). The endorsement criteria  
17       shall be published in the Federal Register, and  
18       updated as appropriate.

19           (B) COMPONENTS OF SYSTEM.—The com-  
20       ponents of a skill standards systems shall in-  
21       clude the following:

22           (i) Voluntary skill standards, which at  
23       a minimum—

24           (I) meet or exceed, to the extent  
25       practicable, the highest standards

1 used in other countries and the high-  
2 est international standards;

3 (II) take into account content  
4 and performance standards certified  
5 pursuant to title II;

6 (III) take into account the re-  
7 quirements of high performance work  
8 organizations;

9 (IV) are in a form that allows for  
10 regular updating to take into account  
11 advances in technology or other devel-  
12 opments within the occupational clus-  
13 ter;

14 (V) are formulated in such a  
15 manner that promotes the portability  
16 of credentials and facilitates worker  
17 mobility within an occupational clus-  
18 ter or industry and among industries;  
19 and

20 (VI) are not discriminatory with  
21 respect to race, color, gender, age, re-  
22 ligion, ethnicity, disability, or national  
23 origin, consistent with Federal civil  
24 rights laws.

1 (ii) A voluntary assessment system  
2 and certification of the attainment of skill  
3 standards developed pursuant to subpara-  
4 graph (A), which at a minimum—

5 (I) takes into account, to the ex-  
6 tent practicable, methods of assess-  
7 ment and certification used in other  
8 countries;

9 (II) utilizes a variety of evalua-  
10 tion techniques, including, where ap-  
11 propriate, oral and written evalua-  
12 tions, portfolio assessments and per-  
13 formance tests; and

14 (III) includes methods for estab-  
15 lishing that the assessment and cer-  
16 tification system is not discriminatory  
17 with respect to race, color, gender,  
18 age, religion, ethnicity, disability, or  
19 national origin, consistent with Fed-  
20 eral civil rights laws.

21 (iii) A system to promote the use of  
22 and to disseminate information relating to  
23 skill standards, and assessment and certifi-  
24 cation systems developed pursuant to this  
25 paragraph (including dissemination of in-

1 formation relating to civil rights laws rel-  
2 evant to the use of such standards and sys-  
3 tems) to entities such as institutions of  
4 postsecondary education offering profes-  
5 sional and technical education, labor orga-  
6 nizations, trade associations, employers  
7 providing formalized training and other or-  
8 ganizations likely to benefit from such sys-  
9 tems.

10 (iv) A system to evaluate the imple-  
11 mentation of the skill standards, and as-  
12 sessment and certification systems devel-  
13 oped pursuant to this paragraph, and the  
14 effectiveness of the information dissemi-  
15 nated pursuant to subparagraph (C) for  
16 informing the users of such standards and  
17 systems of the requirements of relevant  
18 civil rights laws.

19 (v) A system to periodically revise and  
20 update the skill standards, and assessment  
21 and certification systems developed pursu-  
22 ant to this paragraph, which will take into  
23 account changes in standards in other  
24 countries.

1           (2) ENDORSEMENT.—The National Board,  
2           after extensive public review and comment, shall en-  
3           dorse those skill standards systems relating to the  
4           occupational clusters identified pursuant to sub-  
5           section (a) that—

6                   (A) meet the objective endorsement criteria  
7                   that are developed pursuant to paragraph (1);  
8                   and

9                   (B) are submitted by partnerships that  
10                  meet the representation requirements of sub-  
11                  section (b)(2).

12          (e) LIMITATIONS.—

13               (1) IN GENERAL.—(A) Except as provided in  
14               subparagraph (B), the National Board shall not  
15               carry out the requirements of subsection (b) or (d)  
16               with respect to an occupation or trade within an in-  
17               dustry for which national apprenticeship stand-  
18               ards—

19                   (i) have been jointly developed by labor  
20                   and management representatives,

21                   (ii) are registered pursuant to the National  
22                   Apprenticeship Act,

23                   (iii) are being actively used on a national  
24                   basis for training workers in such occupation or  
25                   trade,

1           (iv) are in a form that allows for regular  
2           updating to take into account advances in tech-  
3           nology, the highest standards used in other  
4           countries, and the highest international stand-  
5           ards, and

6           (v) are not discriminatory with respect to  
7           race, color, gender, age, religion, ethnicity, dis-  
8           ability, or national origin, consistent with Fed-  
9           eral civil rights laws,

10          unless labor and management representatives of  
11          such occupation or trade within such industry and  
12          representatives of registered apprenticeship pro-  
13          grams for such occupation or trade within such in-  
14          dustry jointly request the assistance of the National  
15          Board.

16          (B) Notwithstanding the provisions of subpara-  
17          graph (A), the National Board may carry out the re-  
18          quirements of subsections (b) and (d) with respect  
19          to any occupational cluster if the skill standards sys-  
20          tem to be developed or endorsed for such occupa-  
21          tional cluster is not designed specifically for the par-  
22          ticular occupation or trade within the particular in-  
23          dustry for which apprenticeship standards meeting  
24          the requirements of subparagraph (A) are applica-  
25          ble.

1           (2) RELATIONSHIP WITH ANTIDISCRIMINATION  
2       LAWS.—

3           (A) IN GENERAL.—Nothing in this title  
4       shall be construed to modify or affect any Fed-  
5       eral or State law prohibiting discrimination on  
6       the basis of race, religion, color, ethnicity, na-  
7       tional origin, gender, age, or disability.

8           (B) EVIDENCE.—The endorsement or ab-  
9       sence of an endorsement by the Board of a skill  
10      standard or assessment and certification system  
11      under subsection (d) shall not be used in any  
12      action or proceeding to establish that the skill  
13      standard or assessment and certification system  
14      conforms or does not conform to the require-  
15      ments of civil rights laws.

16      (f) COORDINATION WITH EDUCATION STANDARDS.—  
17      The National Board shall establish cooperative arrange-  
18      ments with the National Education Standards and Im-  
19      provement Council to promote the coordination of the de-  
20      velopment of skill standards under this title with the devel-  
21      opment of content and performance standards under title  
22      II.

23      (g) FINANCIAL ASSISTANCE.—

24           (1) IN GENERAL.—From funds appropriated  
25      pursuant to section 406(a), the Secretary of Labor

1 may award grants (including grants to the voluntary  
2 partnerships in accordance with paragraph (2)) and  
3 enter into contracts and cooperative arrangements  
4 that are requested by the National Board for the  
5 purposes of carrying out this title.

6 (2) GRANT PROGRAMS FOR VOLUNTARY PART-  
7 NERSHIPS.—

8 (A) ELIGIBILITY AND APPLICATION.—Vol-  
9 untary partnerships that meet the requirements  
10 of subsection (b) shall be eligible to apply for a  
11 grant under this subsection. Each such vol-  
12 untary partnership desiring a grant shall sub-  
13 mit an application to the National Board at  
14 such time, in such manner, and accompanied by  
15 such information as the National Board may  
16 reasonably require.

17 (B) REVIEW AND RECOMMENDATION.—  
18 The National Board shall review each applica-  
19 tion submitted pursuant to subparagraph (A) in  
20 accordance with the objective criteria published  
21 pursuant to subparagraph (C) and shall for-  
22 ward each such application to the Secretary of  
23 Labor accompanied by a recommendation for  
24 the approval or disapproval of each such appli-  
25 cation by the Secretary.



1 (C) CRITERIA FOR REVIEW.—Prior to each  
2 fiscal year, the National Board shall publish ob-  
3 jective criteria to be used by the Board in re-  
4 viewing applications under subparagraph (B).

5 (3) LIMITATION ON THE USE OF FUNDS.—

6 (A) IN GENERAL.—Not more than 20 per-  
7 cent of the funds appropriated under section  
8 406(a) for each fiscal year shall be used by the  
9 National Board for the costs of administration.

10 (B) COSTS OF ADMINISTRATION DE-  
11 FINED.—For purposes of this paragraph, the  
12 term “costs of administration” means costs re-  
13 lating to staff, supplies, equipment, space, trav-  
14 el and per diem, costs of conducting meetings  
15 and conferences, and other related costs.

16 **SEC. 404. DEADLINES.**

17 Not later than December 31, 1996, the National  
18 Board shall—

19 (1) identify occupational clusters pursuant to  
20 section 403(a) representing a substantial portion of  
21 the workforce; and

22 (2) promote the development of an initial set of  
23 skill standards in accordance with section 403(d) for  
24 such clusters.

1 **SEC. 405. REPORTS.**

2       The National Board shall submit to the President  
3 and the Congress in each fiscal year a report on the activi-  
4 ties conducted under this title, including the extent to  
5 which skill standards have been adopted by employers,  
6 training providers, and other entities and the effectiveness  
7 of such standards in accomplishing the purposes described  
8 in section 401.

9 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

10       (a) IN GENERAL.—There are authorized to be appro-  
11 priated \$15,000,000 for fiscal year 1994 and such sums  
12 as may be necessary for each of the fiscal years 1995  
13 through 1998 to carry out this title.

14       (b) AVAILABILITY.—Amounts appropriated pursuant  
15 to subsection (a) shall remain available until expended.

16 **SEC. 407. DEFINITIONS.**

17       For purposes of this title, the following definitions  
18 apply:

19           (1) COMMUNITY-BASED ORGANIZATIONS.—The  
20 term “community-based organizations” means such  
21 organizations as defined in section 4(5) of the Job  
22 Training Partnership Act.

23           (2) EDUCATIONAL INSTITUTION.—The term  
24 “educational institution” means a high school, a vo-  
25 cational school, and an institution of higher edu-  
26 cation.

1           (3) SKILL STANDARD.—The term “skill stand-  
2           ard” means the level of knowledge and competence  
3           required to successfully perform work-related func-  
4           tions within an occupational cluster.

5           **TITLE V—MISCELLANEOUS**

6   **SEC. 501. DEFINITIONS.**

7           As used in this Act—

8           (1) the terms “all students” and “all children”  
9           mean students or children from a broad range of  
10          backgrounds and circumstances, including disadvan-  
11          taged students, students with diverse racial, ethnic,  
12          and cultural backgrounds, American Indians, Alaska  
13          Natives, Native Hawaiians, students with disabil-  
14          ities, students with limited-English proficiency, mi-  
15          grant children, school-aged children who have  
16          dropped out, migrant children, and academically tal-  
17          ented students;

18          (2) the term “assessment system” means meas-  
19          ures of student performance which include at least  
20          1 test, and may include other measures of student  
21          performance, for a specific purpose and use which  
22          are intended to evaluate the progress of all students  
23          in the State toward learning the material in State  
24          content standards in 1 or more subject areas;

1           (3) the terms “community”, “public”, and “ad-  
2       vocacy group” are to be interpreted to include rep-  
3       resentatives of organizations advocating for the edu-  
4       cation of American Indian, Alaska Native, and Na-  
5       tive Hawaiian children and Indian tribes;

6           (4) the term “content standards” means broad  
7       descriptions of the knowledge and skills students  
8       should acquire in a particular subject area;

9           (5) the term “Governor” means the chief execu-  
10      tive of the State;

11          (6) the terms “local educational agency” and  
12      “State educational agency” have the meaning given  
13      those terms in section 1471 of the Elementary and  
14      Secondary Education Act of 1965;

15          (7) the term “opportunity-to-learn standards”  
16      means the criteria for, and the basis of, assessing  
17      the sufficiency or quality of the resources, practices,  
18      and conditions necessary at each level of the edu-  
19      cation system (schools, local educational agencies,  
20      and States) to provide all students with an oppor-  
21      tunity to learn the material in national or State con-  
22      tent standards.

23          (8) the term “outlying areas” means Guam,  
24      American Samoa, the Virgin Islands, the Common-  
25      wealth of the Northern Mariana Islands, and Palau

1 (until the effective date of the Compact of Free As-  
2 sociation with the Government of Palau);

3 (9) the term “performance standards” means  
4 concrete examples and explicit definitions of what  
5 students have to know and be able to do to dem-  
6 onstrate that they are proficient in the skills and  
7 knowledge framed by content standards;

8 (10) the term “related services” has the same  
9 meaning given such term under section 602(17) of  
10 the Individuals with Disabilities Education Act;

11 (11) the term “school” means a school that is  
12 under the authority of the State educational agency  
13 and a local educational agency or, for the purpose of  
14 carrying out section 314(b), a school that is oper-  
15 ated or funded by the Bureau of Indian Affairs;

16 (12) the term “Secretary”, except where used  
17 in title IV, means the Secretary of Education; and

18 (13) except as otherwise provided, the term  
19 “State” means each of the 50 States, the District of  
20 Columbia, the Commonwealth of Puerto Rico, and  
21 each of the outlying areas.

22 **SEC. 502. LIMITATIONS.**

23 (a) ASSESSMENTS.—No funds provided under titles  
24 II or III of this Act shall be used to undertake assess-  
25 ments that will be used to make decisions regarding the

1 graduation, grade promotion, or retention of students for  
2 five years after the date of enactment of this Act.

3 (b) PUBLIC SCHOOL.—Nothing in this Act shall be  
4 construed to authorize the use of funds under title III (ex-  
5 cept as provided in section 310) to directly or indirectly  
6 benefit any school other than a public school.

7 **SEC. 503. ASSESSMENT OF EDUCATIONAL PROGRESS AC-**  
8 **TIVITIES.**

9 Section 421(h) of the Carl D. Perkins Vocational and  
10 Applied Technology Education Act (20 U.S.C. 2421(h))  
11 is amended—

12 (1) by inserting “(1)” after “(h)”; and

13 (2) by inserting at the end the following:

14 “(2)(A) Notwithstanding any provision of section 406  
15 of the General Education Provisions Act, the Commis-  
16 sioner of Education Statistics may authorize a State edu-  
17 cational agency or a consortium of such agencies to use  
18 items and data from the National Assessment of Edu-  
19 cational Progress for the purpose of evaluating a course  
20 of study related to vocational education, if the Commis-  
21 sioner has determined, in writing, that such use will not—

22 “(i) result in the identification of characteristics  
23 or performance of individual students or schools;

24 “(ii) result in the ranking or comparing of  
25 schools or local educational agencies;

1           “(iii) be used to evaluate the performance of  
2       teachers, principals, or other local educators for the  
3       purpose of dispensing rewards or punishments; or

4           “(iv) corrupt or harm the use and value of data  
5       collected for the National Assessment of Educational  
6       Progress.

7       “(B) Not later than 60 days after making an author-  
8       ization under subsection (a), the Commissioner shall sub-  
9       mit to the Committee on Education and Labor of the  
10      House of Representatives and to the Committee on Labor  
11      and Human Resources of the Senate, a report which con-  
12      tains—

13           “(i) a copy of the request for such authoriza-  
14      tion;

15           “(ii) a copy of the written determination under  
16      subsection (a); and

17           “(iii) a description of the details and duration  
18      of such authorization.

19       “(C) The Commissioner may not grant more than one  
20      such authorization in any fiscal year and shall ensure that  
21      the authorized use of items or data from the National As-  
22      sessment is evaluated for technical merit and for its affect  
23      on the National Assessment of Educational Progress. The  
24      results of such evaluations shall be promptly reported to  
25      the committees specified in subparagraph (B).”.

1 **TITLE VI—PARENTAL INFORMA-**  
2 **TION AND RESOURCE CEN-**  
3 **TERS**

4 **SEC. 601. PARENTAL INFORMATION AND RESOURCE CEN-**  
5 **TERS.**

6 (a) AUTHORIZATION.—The Secretary of Education is  
7 authorized to make grants each year to private, nonprofit  
8 organizations for the purpose of providing training and in-  
9 formation to parents of children enrolled in participating  
10 schools and to individuals who work with such parents to  
11 encourage a more effective working relationship with pro-  
12 fessionals in meeting the educational needs of children en-  
13 rolled in participating schools.

14 (b) GRANTS.—Such grants shall—

15 (1) be designed to meet the unique training and  
16 information needs of parents of children enrolled in  
17 participating schools, particularly parents who are  
18 severely disadvantaged educationally or economically;

19 (2) be distributed geographically to the greatest  
20 extent possible throughout all the States and give  
21 priority to grants which serve areas with high con-  
22 centrations of low-income families;

23 (3) be targeted to parents of children enrolled  
24 in participating schools in rural, suburban, and  
25 urban areas;



1           (4) serve parents of low-income and minority  
2 children enrolled in participating schools, including  
3 limited-English-proficient children; and

4           (5) be funded at a sufficient size, scope, and  
5 quality to ensure that the program is adequate to  
6 serve the parents in the area.

7 **SEC. 602. ELIGIBILITY.**

8           (a) REPRESENTATION.—To receive a grant under  
9 section 601, a private, nonprofit organization shall meet  
10 the following requirements:

11           (1) Be governed by a board of directors in  
12 which the membership includes, or be an organiza-  
13 tion that represents the interests of, parents and es-  
14 tablish a special governing committee in which the  
15 membership includes—

16                   (A) a majority of parents of children en-  
17 rolled in participating schools; and

18                   (B) representation of education profes-  
19 sionals with expertise in improving services for  
20 disadvantaged children.

21           (2) Provide that the parent and professional  
22 membership of the board or special governing com-  
23 mittee is broadly representative of minority, low-in-  
24 come, and other individuals and groups that have an

1 interest in compensatory education and family lit-  
2 eracy.

3 (3) Demonstrate the capacity and expertise to  
4 conduct effective training and information activities  
5 for which a grant may be made.

6 (4) Network with clearinghouses, other organi-  
7 zations and agencies, and with other established na-  
8 tional, State, and local parent groups representing  
9 the full range of parents of children enrolled in par-  
10 ticipating schools, especially parents of low-income  
11 and minority children.

12 (b) REQUIREMENTS.—The Board of Directors or spe-  
13 cial governing committee of an organization receiving a  
14 grant under this title shall meet at least once each cal-  
15 endar quarter to review the parent training and informa-  
16 tion activities for which the grant is made.

17 (c) GRANT RENEWAL.—Whenever an organization  
18 requests the renewal of a grant under section 601 for a  
19 fiscal year, the Board of Directors or the special governing  
20 committee shall submit to the Secretary a written review  
21 of the parent training and information program conducted  
22 by such organization during the preceding fiscal year.

23 **SEC. 603. USES OF FUNDS.**

24 Grants received under this title may be used—

1           (1) for parent training and information pro-  
2       grams that assist parents to—

3               (A) better understand their children’s edu-  
4       cational needs;

5               (B) provide follow up support for their  
6       children’s educational achievement;

7               (C) communicate more effectively with  
8       teachers, counselors, administrators, and other  
9       professional educators and support staff;

10              (D) participate in the design and provision  
11       of assistance to students who are not making  
12       adequate progress;

13              (E) obtain information about the range of  
14       options, programs, services, and resources avail-  
15       able at the national, State, and local levels to  
16       assist children enrolled in participating schools  
17       and their parents;

18              (F) seek technical assistance regarding  
19       compliance with the requirements of this Act  
20       and of other Federal programs relevant to  
21       achieving the goals of this Act;

22              (G) participate in State and local decision-  
23       making; and

24              (H) train other parents;

1           (2) to include State or local educational person-  
2           nel where such participation would further an objec-  
3           tive of the program assisted by the grant; and

4           (3) to establish a parent training and informa-  
5           tion center to carry out the activities in paragraphs  
6           (1) and (2) and to represent parent interests at the  
7           State level, including participation in the design of  
8           the public outreach process described in section  
9           306(b)(6), submitting recommendations concerning  
10          State standards and plans, and commenting on pro-  
11          posed waivers under this Act.

12 **SEC. 604. TECHNICAL ASSISTANCE.**

13          The Secretary shall provide technical assistance, by  
14          grant or contract, for the establishment, development, and  
15          coordination of parent training and information programs  
16          and centers.

17 **SEC. 605. EXPERIMENTAL CENTERS.**

18          After the establishment in each State of a parent  
19          training and information center, the Secretary shall pro-  
20          vide for the establishment of 5 additional experimental  
21          centers, 3 to be located in urban areas and 2 in rural areas  
22          where there are large concentrations of poverty.

23 **SEC. 606. REPORTS.**

24          Not later than June 30, 1995, and not later than  
25          June 30 each succeeding year, the Secretary shall obtain

1 data concerning programs and centers assisted under this  
 2 title, including—

3 (1) the number of parents, including the num-  
 4 ber of minority and limited-English-proficient par-  
 5 ents, who receive information and training;

6 (2) the types and modes of information or  
 7 training provided; and

8 (3) the strategies used to reach and serve par-  
 9 ents of minority and limited-English-proficient chil-  
 10 dren and parents with limited literacy skills.

11 **SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated \$5,000,000  
 13 for fiscal year 1994 and such sums as may be necessary  
 14 for each of the fiscal years 1995 through 1998.

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HR 3210 IH—2

HR 3210 IH—3

HR 3210 IH—4

HR 3210 IH—5

HR 3210 IH—6

HR 3210 IH—7

HR 3210 IH—8

HR 3210 IH—9

HR 3210 IH—10